

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
WORK SESSION
SEPTEMBER 15, 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 September 15, 2008.

Present: Chairman George Lucier; Vice Chair Mike Cross; Commissioners Patrick Barnes, Carl Thompson and Tom Vanderbeck; County Manager, Charlie Horne; Interim County Attorney Tim Sullivan; 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 2:01 PM.

Work Session

1. Presentation on the Alternative Analysis for the 2035 Long Range Transportation Plan for the Durham-Chapel Hill-Carrboro Metropolitan (DCHC) Planning Organization by Andy Henry with the DCHC staff
2. Presentation by Kimley-Horn & Associates of the Farrington-Stagecoach Road study prepared on behalf of the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization
3. Chatham & Orange County Annual Report for 2007-2008 (Judicial District 15-B) by Tommy Perry, Judicial District Manager
4. Pay and Classification Plan Update
5. Library Bids
6. Update on Southeast Water District water signups and discussion on water lines in the district

PRESENTATION ON ALTERNATIVE ANALYSIS FOR THE 2035 LONG RANGE TRANSPORTATION PLAN FOR THE DURHAM-CHAPEL HILL-CARRBORO METROPOLITAN PLANNING ORGANIZATION (DCHC MPO)

Chairman Lucier stated that this MPO included just the northeast corner of Chatham County, with the remainder of the County under the Rural Planning Organization (RPO); that he was the Commissioner representative on the MPO; that Commissioner Vanderbeck was the Commissioner representative on the RPO; that tonight the Board would hear a presentation on the 2035 Plan; and, in about a month they would be getting a presentation on the preferred plan.

Andy Henry, Transportation Planner for the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization, stated that his presentation would answer the following questions:

- What is the DCHC MPO?
- What is the 2035 LRTR?
- What is the Alternatives Analysis?
- What are the Next Steps?
- What are Your Preferences?

Mr. Henry provided the following PowerPoint presentation:

What is the DCHC MPO? (Durham-Chapel Hill-Carrboro Metropolitan Planning Organization)

- Responsible for long range transportation planning in Durham City and County, and urbanized areas of Orange County and Chatham County.
- Federal mandate – MPO must plan use of federal transportation funding.
- Policy Board – Transportation Advisory Committee (TAC) composed mostly of local elected officials.

Mr. Henry provided a map of the DCHC MPO boundary.

What is the 2035 Long range Transportation Plan (LRTP)?

- Lists highway, transit services, and other transportation projects to address future transportation deficiencies through year 2035.
- Assumptions – based on future land use, population and employment.
- Fiscal Constraint – anticipated revenues must cover anticipated project costs.
- Funding – projects must be in LRTP to receive State and federal funding (via Transportation Improvement Program – TIP).
- Used for Planning – e.g., in development review, use LRTP to reserve right-of-way for future highway and fixed guideway projects.

What is the 2035 LRTP Process?

1. Goals and Objectives.
2. Socioeconomic Data (population and employment forecasts).
3. Deficiency Analysis.
4. Alternatives Analysis (we are here).
5. Preferred Option – October-December 2008.
6. Draft LRTP Conformity – December 2008.
7. Air Quality Conformity – January-April 2009.
8. Federal Approval – by June 15, 2009.

What is the Alternatives Analysis?

- Proposed sets of projects/services to meet transportation deficiencies – this is the first cut.
- Determine how project types and individual projects meet future transportation demand.
- Understand the public and local officials’ preferences.

What are Alternatives?

| Transportation System | LAND USE SCENARIOS | | | | |
|--|--------------------|-------------|----------|----------|---------------|
| | Baseline | Constrained | Buildout | Corridor | Transit Notes |
| Comprehensive Transportation System – Vision Plan to address population and employment buildout beyond the year 2035; no budget constraint. | ✓ | | ✓ | | |
| Intensive Highway – Emphasize highway investment to address transportation needs. | ✓ | ✓ | | ✓ | |
| Fixed Guideway – Light rail and other grade separated transit. | ✓ | | | ✓ | ✓ |
| Bus Transit – Emphasize bus transit service to address transportation needs. | ✓ | | | ✓ | ✓ |
| Moderate Multimodal – Continue current investment trends with some shift to non-automobile modes. | ✓ | | | ✓ | ✓ |

What is in the Alternatives Analysis report?

Types of Model Data

- Performance measures.
- Evaluation measures.
- Congestion maps (V/C).

Financial Plan – Preliminary Costs and Revenues; financial report also has potential additional revenue from local funding options, such as increased sales tax or real estate transfer tax.

The County Manager stated the map was showing congestion calculations, and asked were those figures estimated before or after the 4-lanes. Mr. Henry said he believed it was after,

but he would check on that; and, that those figures should be what was called “existing plus committed networks.” Chairman Lucier commented he was almost sure that was based on a 4-lane highway.

Mr. Henry continued his presentation:

Alternatives Analysis Report

Alternatives – Detailed Descriptions

- Includes project maps of alternatives – roadway improvements in CTP Alternative.
- Project lists of alternatives – 2035 LRTP and CTP Highway projects and alternatives.

Land Use Scenarios

- Scenario description.
- Land use scenario maps.
- Policy directions for scenarios.

Highway Projects Maps.

- Major Projects:
 - NC 751 widening to 4-lane divided
 - O’Kelly Chapel Road widening to 4-lane divided
 - Farrington Mill Road widening to 4-lane
 - Lystra/Jack Bennett widening to 4-lane
- Note: These projects are only in the CTP and Highway Intensive Alternatives.

Transit Projects Map

- Major Projects:
 - Express bus service
 - Local bus service
 - Improved bus headways
 - Circular bus service
 - Rail corridor preservation
 - Rail transit

Bicycle Projects Map

- On-road bicycle facilities
- On-road regional bicycle facilities

Chairman Lucier stated he had brought up at the last MPO meeting that it was his understanding that when there were multiple jurisdictions there were formal mechanisms for insuring coordination between the different entities. Mr. Henry stated that was correct, noting the MPO and RPO would coordinate for any projects in their areas and they would have to be agreed upon.

Commissioner Vanderbeck stated that the Comprehensive Transportation Plan for Chatham County was woefully behind, as was Moore County, and Chatham came up after them; and, hopefully they would be starting Moore County’s in February and then Chatham County’s would come up. He said if they were figuring that many years out they would be figuring on old data.

Mr. Henry continued his presentation:

Next Steps in the LRTP Process

- Get public feedback on the Alternatives.
- Develop the Preferred Option (release in October 2008).
- Get public feedback on the Preferred Option (October through December 2008).
- Approve draft 2035 LRTP (December 2008).

What are your Preferences? Given the limited budget and projected areas of congestion, where do we invest our money?

- Are there certain projects and policies that should be promoted?
- Invest more on roadways or transit?
- Invest more on roadway widenings or “hotspots” (e.g. intersections with long delays)?
- Invest more on local bus service or fixed guideway service (e.g., rail transit)?
- Use traditional revenue sources only or increase local taxes (e.g. sales tax, real estate transfer tax)?

Chairman Lucier thanked Mr. Henry for presenting the information. He stated that it seemed he was proposing that the transit system from Pittsboro to Chapel Hill would be incredibly important; that they may eventually have as many as 20 stoplights between Pittsboro and the Orange County line; that there was a clear need to upgrade the Jack Bennett and Lystra Road area and running up Farrington Road because of pending development; and, that was a high priority, as well as upgrades to NC #751. He stated that all of the pedestrian areas Mr. Henry had noted looked good to him.

Chairman Lucier asked about the costs, such as the local options mentioned. He stated that even if by some miracle the Land Transfer Tax was approved, Chatham County could not raise that kind of money. Mr. Henry stated they would not take just one project from one of the alternatives, but would take different projects from all the alternatives; that costs would not be assigned as yet; and, that they had been instructed to look for local options but to steer away from those that appeared to be the least popular.

Commissioner Barnes stated that regarding roadways and transit, everyone thought about public transit such as buses and trains; that while he was in Chicago, the downtown roads had miles that were so rough that he had to stand up on the bus; and, that there was a real argument about do you maintain the roads in Chatham County already built, or do you build new ones.

Commissioner Barnes asked if what Mr. Henry had referred to as a real estate tax was the same as what they thought of as the Land Transfer tax. Mr. Henry stated it was the one the Legislature had provided as an option. Commissioner Barnes asked if such a tax would be given to them or would it have to be voted on. Mr. Henry stated it would have to be voted on, as would any local option tax.

Mr. Henry stated regarding transit on US #15-501, parking was very limited in that area, and it would be very important in the future to make sure parking was made available.

The County Manager said regarding the deficit of \$1.6 million in revenues versus costs, was that estimated prior to the increase in fuel prices. He stated that what they were seeing was a reduction in the use of fuel due to the high prices, which would result in a decrease in the fuel tax collected by the State; and, would that situation increase that deficit. Mr. Henry responded yes, for that particular alternative. He stated that the gas tax revenue was tending to decline due to the higher cost of fuel, and some may argue that would result in reduced traffic in the future should fuel costs continue to rise. Mr. Henry stated it was important to remember that the congestion maps indicated the highest congested period in the afternoons, and people would still need to get to and from work.

Chairman Lucier asked the deadline for submitting written comments. Mr. Henry replied officially October 1st, although the TAC would not meet until October 8th.

Commissioner Thompson asked should they, as a Board, have a statement on record as to what were their preferences.

Chairman Lucier stated that his comments related to the issues that were relevant to Chatham County including the bus transit, pedestrian/bike trails, Highway #751 improvements, Highway #15-501, Jack Bennett Road, and Lystra Road.

Commissioner Thompson concurred, stating there should there be some formal concurrence by the Board.

Chairman Lucier suggested making a motion if everyone agreed and drafting a letter to send to the MPO.

Commissioner Thompson moved, seconded by Commissioner Vanderbeck, that the comments made by the Chairman regarding the Board's preferences for the northeast portion of the County be the official statement of the Board (including the bus transit, pedestrian/bike trails, Highway #751 improvements, Highway #15-501, Jack Bennett Road, and Lystra Road in its entirety).

The Planning Director stated he believed the Board would want to note that their intention was Lystra Road in its entirety. Chairman Lucier stated that was correct, and believed that was the intent of the motion.

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

Commissioner Vanderbeck stated Mr. Henry had said that from 15-501 to Pittsboro was in both districts or planning areas. Mr. Henry stated that was correct. Commissioner Vanderbeck stated that was a very high priority for the RPO as well, and they were also trying to work with Chapel Hill Transit in that regard; and, he wanted that to stay a high priority.

PRESENTATION BY KIMLEY-HORN & ASSOCIATES ON THE FARRINGTON - STAGECOACH ROAD CORRIDOR STUDY PROJECT UPDATE PREPARED ON BEHALF OF THE DURHAM-CHAPEL HILL-CARRBORO METROPOLITAN PLANNING ORGANIZATION

Felix Nwoko stated that their charge was to look at transportation issues and possible solutions for the corridor, and Matt Noonkester would present a PowerPoint presentation on that study.

Matt Noonkester, with Kimley-Horne & Associates, stated that what he would present was an update as the study was not yet completed, and any questions or comments could still be incorporated into the study. He then provided the following PowerPoint presentation:

Project Overview

- Growth will continue and could forever change the character and desirability of our communities.
- Traffic and travel congestion will increase on our rural transportation system.
- Solutions to our problems will require greater balance between land use and transportation decision-making processes, and between local, regional, and State government.
- Political jurisdictions:
 - Chatham County
 - Orange County
 - Durham County
 - Wake County
 - Farrington Village
 - Town of Chapel Hill
 - City of Durham
 - Town of Cary
- Partnering agencies:
 - DCHC MPO
 - NC DOT
 - NC DENR
- Selected Corridors:
 - Barbee Chapel Road
 - Farrington Road
 - Farrington Point Road
 - Grandale Road
 - Jack Bennett Road
 - Mount Carmel Road
 - NC 55
 - NC 751 (Hope Valley Road)
 - Old Farrington Point Road
 - Scott King Road
 - Sedwick Road
 - Stagecoach Road
 - US 15-501
- Goals for Study
 - Environmental stewardship
 - Economic prosperity
 - Sustainable transportation

- Equitable distribution of community resources
- Partnership document

In recent years, communities across the country have observed increased public interest in reducing or reversing the trend of urban sprawl and its consequences. Their efforts are largely motivated by impacts associated with suburban development, consumption of sensitive land, costly expansion of public infrastructure, and increasing traffic congestion.

Issues and Analysis

- Forecasted Growth (2005 – 2035)
 - Households 10,457
 - Population 24,600
 - Retail growth 475,000 square feet
 - Office growth 1,200,000 square feet
 - Industrial growth 335,000 square feet

Chairman Lucier stated that the population projection appeared to be lower than projections made by others, such as the Triangle J Council of Governments, who predicted that the northeastern part of Chatham County would have a growth of 117,000 people. Mr. Henry stated the study area was only a small corner of the County.

Mr. Noonkester stated they had used the RSC data for the currently adopted model.

Chairman Lucier stated those projections appeared to be lower than what they had seen previously for the corridor. Mr. Noonkester stated they would look at the data again to make sure it was not just a geography issue, and reconfirm the projections.

Mr. Noonkester continued his presentation:

Transportation/Land Use Relationship

- Demand-side solutions:
 - Trip generation
 - Trip length
 - Mode choice
 - Site access
- Re-organize Urban Form:
 - Density
 - Diversity
 - Design
 - Distance

Scenario Planning

What is scenario planning?

- Scenario planning is an analytical process that provides the framework for developing a shared long-term vision of a community.

Why do scenario planning?

- Explore the “what ifs” of a region’s future.
- Consider the trade-offs between different development scenarios or policy decisions.
- Re-frame local growth questions.
- Answer what, where, when, and how development occurs within a more sustainable region.

The difference is the methodology.

1. How do we determine the “build area” for a parcel?
2. What about residential vs. non-residential development?
3. What is the “zoning envelope?”
4. What is the impact of parking?

Five-step process:

- Trend analysis
 - Existing development patterns/policy initiatives.
 - Population/employment projections.
- Carry capacity analysis
 - Highly constrained areas for development

- Land suitability analysis
 - Identify areas most likely to develop
- Full build-out potential
- Future year scenarios
 - How will we grow?
 - Where will we grow?

Alternative Growth Scenarios

- Look at a paradigm shift in planning philosophies.
- Opportunity for multi-jurisdictional “big picture” planning.
- Identify key activity centers for influencing new growth.
- Study the relationship between land use, urban form, and travel behavior.

General Characteristics

- Maintains adopted plans, programs, and policies.
 - Development characteristics:
 - Low densities and intensities
 - Large separation between complementary land uses
 - Absence of pedestrian and bicycle amenities in the study area
- Shift in planning philosophy
 - Development characteristics:
 - Direct growth to centers
 - Encourage close-by complementary uses
 - Shorten trip lengths

Commissioner Vanderbeck stated that, to him, that sounded a lot like Smart Growth initiatives. Mr. Noonkester agreed.

Sally Kost, Planning Board Chair, asked Mr. Noonkester to explain the gray area on the map. Mr. Noonkester responded the gray area at this point in time was more a mixed use type of development, and used Southern Village in Chapel Hill, which was a compact community, as an example. He then continued his presentation.

- Enough is enough on growth.
 - Development characteristics:
 - Encourage policies that direct growth out of the study area
 - 15% overall reduction in residential and non-residential development intensity

Mr. Noonkester displayed a chart that depicted Measure of Effectiveness in Scenario Planning, noting that if you go to a more compact system, you could reduce the number of vehicle trips by 12.5%, which was a demand solution and would ultimately reduce the need to widen roads. He stated that as the number of vehicle trips per person went down, vehicle miles traveled went down. Mr. Noonkester said the inverse of that was if you did not change your land use you would still have more miles traveled per person; so, what they were trying to show was that with development initiatives you could actually improve your transportation system.

Mr. Noonkester provided conclusions and recommendations:

Conclusion – Initial Recommendations

- Specific set of transportation improvements recommended by corridor.
- Recommendations for better systems level transportation planning.
- Scenario planning analysis confirms reorganization of land use and urban form improves efficiency of the transportation system, while preserving natural areas.
- Reinforces the need for local land use, regional funding, and State coordination of transportation construction dollars to create sustainable solutions.

Chairman Lucier stated many of these things the Commissioners had already thought about, noting that there currently was a moratorium on large developments in the County; that it would be lifted in December; that it was done to allow them to amend their subdivision and watershed ordinances; that the Major Corridor Task Force was now working to develop corridors for major corridors, including the northeast; and, that they were also in the process of restructuring County government to put zoning, transportation, planning, and permitting under one umbrella.

Commissioner Vanderbeck stated that Smart Growth was nothing new to them, noting they were adding affordable housing to that mix as well because if you could shop and walk to work, that would affect affordability.

Chairman Lucier stated they still had 10,000 to 12,000 homes approved but not yet built, mostly in the northeast part of the County, so even with a moratorium building would go on, and the moratorium was only on developments of homes of 25 or less and did not affect commercial business activity. He stated another issue was that 60% of the working population in Chatham County worked outside the County, which was twice the State average. He said they lost a lot as far as miles driven, plus retail sales because people tended to shop outside the County. Mr. Noonkester stated that some of the best planning was when you have existing development which you layer on to that committed development as you make decisions.

Mr. Nwoko stated they would be working closely with the County's Planning Department as they moved forward with the study.

Chairman Lucier stated that regarding the Stagecoach Road issue, to him it sounded like a great idea because that area just could not absorb much more traffic. He stated that Stagecoach Road would allow access to the Park as well as I-40 from the NC #751 route, rather than the Farrington Road route.

Commissioner Vanderbeck stated there was mention of some specific set of transportation improvements, and asked when that would be available. Mr. Noonkester stated that they projected having the report done in the next few weeks, which would then be submitted to the MPO for review. At that point, it would be available to the Commissioners.

Commissioner Vanderbeck asked would someone be available to go through it with the Commissioners at that point. Mr. Nwoko stated he believed so. Mr. Noonkester stated they would make sure the Commissioners had an opportunity to go through the report early on.

BREAK

Chairman Lucier called for a five minute break.

LIBRARY BIDS

Renee Paschal, Assistant County Manager, stated that she had emailed to the Board on Friday a summary of the current project costs for the Library; that the major change from what was sent on Friday was the reduction of the water fountain in the courtyard area between the two buildings; that the total budget without the IWS system was approximately \$655,200; that contingencies had been reduced from 10% to 8% because Barnhill Construction's bid included a 2% contingency; and, that several categories had gone up because she now had actual numbers rather than estimates.

Ms. Paschal stated that the IWS system was now twice what they had expected based on the bids; in addition, they did not yet have a permit from DWQ to proceed with the work; she had talked to Dr. House, Barnhill, and Cherry Huffman and they all agreed that the best strategy was to re-bid that system and try to make cuts in that system, which would entail going back to DWQ; that they would be applying for a Clean Water Trust Fund grant in January although they would not know the outcome until the summer; that Dr. House had conducted initial talks with the State and the State looked on this type of system favorably; that Barnhill had indicated they were willing to build that system at the end of the construction; and, that if they did get the grant and were able to reduce the cost of the system, they would be coming back to the Board at that time.

Chairman Lucier asked about the original budget. Ms. Paschal stated it was \$12.4 million. Chairman Lucier stated the bid cost with the IWS was \$13.5 million; that the budget was roughly about \$1.1 million over budget; and, about two-thirds of that figure was non-IWS related costs. Ms. Paschal stated it was about 60-40.

Ms. Paschal stated in terms of reducing the budget further, they had spent much time with the subcontractors going through each of the bids trying to identify cost savings; after a

conference call some things were being added back in because they affected the energy saving features of the buildings.

Louis Cherry, Architect, stated at every stage the budget was analyzed with Barnhill and value engineering, or potential cuts, were considered; that they had followed that process four different times; that everything that could be considered for cutting had been considered multiple times; that there had been such scrutiny at this point that they believed that cutting the kind of dollars they were talking about would essentially result in a drastic redesign and would affect LEED rating and performance.

Commissioner Vanderbeck stated in general, the increases over the original budget in particular categories appeared to be well above what would normally be expected; that he understood that part of that was commodities; that there had been a large drop of 17% to 20% in June; and, he wondered if it was worth, at least for some of the categories, to revisit what the market was doing now to get a better price. Mr. Cherry stated whenever you took bids on that number of items, you expected that some would be higher or lower, but at the end they would balance each other out; that if you looked at all the bids with the exception of site utilities, mechanical, and electrical, that was the case, but those specific items were all utilizing vary innovative building technologies and design; and, it was their sense that there was a premium required for some of those innovative systems because there was no benchmark established.

Commissioner Vanderbeck stated he meant benchmarks established in estimates versus expertise in bidding. Mr. Cherry replied possibly.

Ms. Paschal stated there was good response to bidding on those systems, noting that was true for electrical, mechanical, and site utilities. She stated the only thing was that the site utilities did include the IWS system.

Chairman Lucier stated it looked to him like an increase of 5% from the July 14 figures, with the IWS taken out. Ms. Paschal stated that was correct.

Marty Moser stated the majority of the increase was in the mechanical and the electrical, and if you pulled those to the side and tallied up the variances in the other systems, there was very little change; that many factors went into those bids, including the current market; that the mechanical and electrical systems were very unique, cutting edge design that had not been done often in the marketplace; that manufacturers were dealing with unique and customized systems as well as subcontractors that were looking at unusual designs; that he believed that was reflected in the cost estimates for those two systems; that they had already removed about \$70,000 worth of items that did not affect the efficiency of those two systems, but any of the things that affected the energy use of the system they did not consider removing because they understood that was a priority; and, to make further cuts would reduce the energy efficiency of the buildings and therefore reduce the number of LEED points that could be realized. Mr. Moser stated they had strived to keep the sustainability and energy efficiency at 100% of the original design.

Commissioner Barnes stated that if they wanted 100% LEED certified buildings that it took more work and more expertise and would naturally cost more. Mr. Moser stated that was correct. Commissioner Barnes stated he had made the statement several months ago and had taken some criticism for it, but he would make it again, in that when they had started on this project several months ago he had warned that it would cost more because it was not a standard procedure; that since he had worked in that field for 44 years he understood it; and, that was what the Board had wanted and so this was what it would cost.

Commissioner Barnes stated the IWS was listed at \$888,000 for a state-of-the-art system, and asked what it would cost to simply hook up the sewer to Pittsboro. Ms. Paschal stated that was actually included in the bid. Commissioner Barnes stated but you were using that process before you got to that point. Ms. Paschal stated yes, that the way the building was designed the intent was that sewer would be a back-up for the IWS system.

Commissioner Cross asked would it affect the LEED certification if they just went with straight municipal sewer. Scott Almond, the mechanical system designer, stated you would lose a few LEED points, but there were other innovative ways they could get around that.

Chairman Lucier stated the IWS system was now double the original estimate.

Commissioner Barnes stated if you were talking about trying to cut items from the building, then they would pay dearly for that in the long run, because if you built those items cheaply now, the future maintenance costs would be high; that he really would not like to see the building cheapened, and then put in a \$1 million IWS system just for the sake of having a system that was LEED certified; and, he suggested that system could possibly be eliminated now and they could hook directly to the sewer system, then put in that system at a later time when the funds were available. Mr. Cherry stated that the approach being proposed to defer that based on DWQ approval, additional value engineering and re-bidding allowed them to carefully examine that system; that it was not an all or nothing thing, that at minimum they would be looking at recapturing rain water and recycling some water on the site; and, as they moved forward they could look at a reduced scope of that system.

Chairman Lucier stated that the proposal was to seek grant money, re-bid it, and to re-examine the system, and believed that was a good suggestion. He stated they could then look at the bid once that was done. Chairman Lucier asked with the things that had been cut, was the project still LEED Silver. Mr. Cherry replied yes.

Chairman Lucier asked if the increase in budget adversely affected their ability to borrow for all of their capital improvement projects. Vicki McConnell, Finance Officer, stated as with all projects, she had built in a scope of contingency, and the increases were within that scope.

Commissioner Barnes stated that regarding sheet 109 dated September 12, he asked for an explanation of item 39. Mr. Cherry stated that was the sanitary waste system under the slab. Commissioner Barnes stated that should be included in the explanation.

Chairman Lucier stated he assumed Ms. Paschal needed a decision from the Board today. Ms. Paschal stated that was correct, noting if they did not get a decision today, then the schedule outlined by Barnhill would be compromised and they would likely not have the building open in time for the fall semester next year as planned.

Commissioner Vanderbeck stated he was pleased they were remaining LEED certified and understood that carried a price; that having that certification would cut their energy costs long term; that this project would be an example for other institutions of learning; that this project would prove the County's leadership in considering alternatives; and, with that being said he had no problem with deferring the IWS system. He asked a representative from Wooten to perhaps confirm that if the IWS system were deferred that it would not affect the viability of other parts of the project.

Mr. Almond, representing Wooten, stated that deferring the IWS system was a financial decision, and the only thing it would affect on the current design were just a couple of LEED points.

Mr. Cherry agreed, noting they were not precluding that decision at all. Ms. Paschal stated that they were building the project so that the IWS system could be added at a later date.

Commissioner Vanderbeck stated he had noticed in one of the drafts that they were thinking about eliminating the cistern for the rain catchment, and considering that part of that, whether LEED or otherwise from an efficiency and reuse standard, was to run reuse water or catchment water in a number of systems, one of which was water condensers. Mr. Almond stated they were going to use reuse water for the cooling tower and for the plumbing fixtures for both buildings. He stated that system would remain, but they would need to implement, when the IWS system was installed, some additional equipment.

Commissioner Vanderbeck stated the catchment for that rainwater would remain. Nick Thornsby, with Barnhill Construction, stated that taking out the IWS system would mean that all of its parts would be removed at the same time, which totaled \$771,559. He stated part of that was indeed the rainwater collection. Mr. Thornsby stated the bioretention swale would be there, but the filter media and actual pumping station to pump the water back to the reuse system would not be there.

Chairman Lucier stated they would need to come back and take a look at that catchment system again when the project was rebid. Mr. Thornsby stated he believed the item Commissioner Vanderbeck was talking about was that at one time they had a FRP, fiberglass

reinforcement plastic, 20,000 gallon cistern in that location. He stated they had discussed with the design team about taking that tank out and just using a natural swale to do the same and putting in a pump.

Commissioner Vanderbeck stated that was fine as long as they were catching the water; that even though they were no longer in a drought did not mean it would last. Commissioner Vanderbeck said at some point they had cut roof installation from 6 inches to 3 inches, then put back another inch while saying that would not affect energy costs. He asked why they had figured 6 inches originally, which would be \$12,000 more. Mr. Almond stated because it was an R-30 roofing system; that in the original bidding package they had gone for a green roof, and to understand how they could equalize the energy model, if the green roof went away they would still have an R-30 roof; that they had remained with the R-30 roof because adding the green roof on top of that would not help toward heat conduction; and, going to an R-50 or higher had a diminishing effect. Commissioner Vanderbeck stated but now they were settling for an R-25. Mr. Almond stated that was correct, that in their energy model they could maintain R-25 and still achieve at least 50% reduction.

Commissioner Vanderbeck asked if they had gone back to the radiant instead of the space heating. Mr. Almond responded yes, noting it was more efficient and provided more comfort. Commissioner Vanderbeck stated you also would not have to deal with dry air. He stated regarding the electrical, there had been mention of adding more conduit and duct work and asked were they now back in. Mr. Almond stated they had accepted only the under-floor PVC conduit system. Mr. Thornsbury added that system would be under a concrete slab.

Regarding utilities coming from the street, Commissioner Vanderbeck stated they were going to have some other duct work but now they had gone to another system. Mr. Thornsbury stated the utility company was providing the utilities to the building, and they were providing conduit sleeves under the parking lot for telecommunications. Commissioner Vanderbeck stated so in the long range, that would not matter from a future outlook. Mr. Thornsbury responded correct, noting what was proposed was very typical.

Commissioner Vanderbeck stated he had wanted to express his concerns, because some of the items were in there for good reasons, and he wanted to make sure that taking them out did not affect the long-term maintenance or other aspects of the building. He asked for an explanation of the change in the fire safety that amounted to a \$2,000 cut. Mr. Thornsbury stated that was the fire alarm panels, noting the specified panels had much more excess capacity than could ever be realized for the size of the buildings, so the contractor had come back with a \$1,000 credit for each building to reduce the panels to ones that were much more than acceptable.

Commissioner Barnes moved to add \$750,000 to the library project.

Ms. Paschal stated she would have a budget ordinance prepared for the Board to consider at its next meeting, noting at this time she did not have a breakdown of costs between the two buildings.

Commissioner Thompson seconded the motion.

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

CHATHAM AND ORANGE COUNTY ANNUAL REPORT FOR 2007-2008 (JUDICIAL DISTRICT 15-B)

Tommy Perry, Judicial District Manager, provided the following summary of the 2007-2008 Annual Report:

- Currently the State Division of Community Corrections supervised 128,000 cases, and had approximately 2,500 officers/staff.
- Chatham County had 11 staff to supervise approximately 500 offenders, and with Chatham and Orange Counties together they had approximately 1,350.
- The Resource Center was located at Freedom House in Chapel Hill, and the Criminal Justice Partnership Program provided money for that from the State.
- Last year they had served 96 offenders in both counties.

- Intermediate offenders, or higher risk or higher need offenders, were given sanctions such as split sentences in jail or prison, intensive probation, electronic house arrest and the like and were referred to the TASC program, which was treatment accountability for safe communities. Offenders were referred as needed to the Resource Center at Freedom House, and Freedom House provided numerous assistance.
- Other programs operated by the Division of Community Corrections include programs with specific and enhanced supervision standards, such as Domestic Violence and Sex Offenders, Community Threat Groups, Intensive Probation, Electronic House Arrest, Day Reporting Centers and the Global Positioning Satellite System, instituted in January of 2007 with which the Division monitors and tracks certain sex offenders.

Commissioner Vanderbeck asked if the Community Resources court was offered in both Siler City and Pittsboro, or just Siler City. Mr. Perry responded that was located in Pittsboro and Siler City.

Regarding the organizational chart, Commissioner Vanderbeck asked for an explanation of some of the acronyms, and stated that in future it would be helpful to have an acronym list provided. Mr. Perry stated that CPPPO was the Chief Probation Patrol Officer, also known as the Unit Supervisor; the OA-III was an Office Assistant; that PPO I was the Probation Patrol Officer, also known as the Community Officer who supervised the case load of lower risk/lower need offenders; that the PPO II was a Probation Patrol Officer who was also called the Intermediate Officer that supervised the higher risk/higher needs offenders; the PPO III was the Probation Patrol Officer who was also known as the Intensive Officer; and, the SO was the Surveillance Officer who conducted curfew checks

The County Manager asked Mr. Perry to describe the differences between the categories of probation. Mr. Perry stated that regular probation required that offenders meet with the probation officer once a month, or in some cases every 90 days; that with intensive probation the offender was under curfew and required to do community service, as well as meet with the probation officer once a month in the office as well as once a month in the home, in addition to two curfew checks a week; and, with intensive probation there was required assessment treatment.

Mr. Perry stated that on page 5 of the materials was a breakdown of the different categories of probation by population of the District. He explained that the Post Release chart referred to the number of people placed on probation as well as the number released from probation; that the Parole/First Release were those coming out of prison; that the Total Supervised Population in the District for this fiscal year for Chatham County was 497; and, that the Probation/Dual Population chart referred to those offenders that were on probation and parole/post releases at the same time.

Mr. Perry stated that on page 6 were the Crime Categories, explaining that the chart reflected the top five categories of felony and misdemeanor offenses for which offenders on probation were responsible. He stated that for Chatham County, the number one felony category was non-trafficking of drugs; next was breaking and entering; followed by other public order offenses such as failing to register as a sex offender or possession of a firearm by a felon; followed by fraud and then assault. Mr. Perry stated that for misdemeanors, the number one category was driving while impaired, followed by other traffic violations, non-trafficking of drugs, assault, and then larceny.

Chairman Lucier stated it appeared that Orange County was ahead of Chatham County in every category. Mr. Perry stated that was correct, but noted that Orange County had a larger population and there was also more court, which made a difference. He stated that on page 7 drug screens were reflected for the past fiscal year, noting that Chatham County had 926 blood tests taken with a 23.9% positive rate.

The County Manager asked if that 23.9% then had additional charges or probation added on. Mr. Perry stated it depended on the circumstance, noting that those that tested positive were sent to treatment but it did not necessarily mean a violation. He stated if after treatment the abuse continued, then additional actions would be taken including revocation of probation.

Mr. Perry stated on page 8 was a chart that reflected the actual collections of monies, noting that the undistributed figure of \$2,309 was monies collected by the court system but not yet distributed.

Commissioner Vanderbeck asked for an explanation of the acronym AOC-FMS. Mr. Perry stated that was Administrative Officer of the Court – Financial Management System. He stated that was the system that allowed them to use the computer to check money paid or not paid from any offender in the State. Mr. Perry stated that chart also reflected costs, which went towards the upkeep of the judicial buildings; fines, which went to the local County schools; restitution, which went to the victims of crimes; and, supervision fees of \$30 per month for each offender that went to the State General Fund. He stated the total collection for Chatham County was \$164,890 for the fiscal year. Mr. Perry stated if anyone was interested, he had brought along a electronic house arrest unit as well as GPS unit that was used for sex offenders, and would be happy to demonstrate them.

Commissioner Thompson stated on page 5 under Parole/Post Release Population, what specifically was provided to those persons. Mr. Perry responded very much the same as what was provided to persons on probation, except that these persons had served time and been released from prison. He stated the only difference were the conditions placed on the offender by the Parole Commission, such as drug testing, curfew, or the like.

Commissioner Thompson asked what specifically was done as an assessment. Mr. Perry replied they did not do the assessment, it was done by TASC, and it was a tool used to determine that particular person's needs. Commissioner Thompson asked was there any collaboration between his agency and other agencies in terms of meeting other needs of persons released from prison. Mr. Perry stated they dealt directly with some agencies that provided life and job skills, anger management, and other similar services.

Commissioner Vanderbeck asked if the County was moving in the direction he would like to see, and if not was there anything the Commissioners could do. Mr. Perry stated he believed they were moving in a good direction, locally as well as State-wide; that they had good staff that did a good job; and, they had good collaboration with other agencies. He thanked the Commissioners for providing office space in Siler City, which had been badly needed and greatly appreciated.

Chairman Lucier stated they all appreciated the job Mr. Perry and his colleagues provided, noting it was not an easy one but they did it very well.

UPDATE ON SOUTHEAST WATER DISTRICT WATER SIGNUPS AND DISCUSSION ON WATER LINES IN THE DISTRICT

Chairman Lucier stated the last time the Commissioners had discussed this issue there were 157 signups, and now it was over 400.

David Hughes, Public Works Director, stated that in August they did have 157 signups, and had advertised fairly heavily in district which resulted in a to-date total of 424; that the roads on the map marked in yellow did not meet the 10 person per mile density requirement; and, that there were three roads in the district, Lower Thrift Road, Sugarshack Road and New Leland Church Road, that he would recommend doing because they were connected to roads that did meet the density.

Commissioner Cross stated in 2004 the citizens of southeast Chatham had voted to approve the Southeast Water District, and he realized they were keeping tabs on who had paid their signups by road name; that this was a water district, and even though it was a rural development that required 12 people per mile, the previous Board and this Board had decided to use 10 people per mile; that looking at the mileage of the district and the number of signups, it appeared they had an average of 12 persons per mile for the entire district; that because of that he did not believe they should leave any of the roads out.

Chairman Lucier asked what the total mileage was that he used to arrive at the average. Commissioner Cross responded 32.34 miles. He stated there would be other advantages, noting that he had received a letter from the Fire Chief of the Moncure Fire Department stating that the fire hydrant at the elementary school, which was their highest occupancy building, had a water

pressure at 480 gallons per minute and it should be 1,000+. Commissioner Cross stated that Jordan Down Road, which was what they would be hooking to, had a current pressure of 1,600 gallons per minute so including that road would definitely increase that pressure.

Commissioner Cross stated that other benefits, and referred to the problems they had in the Asbury community caused by a company that had a State contract to mix materials that had to be watered down every day and which required that their trucks be washed every day before they could leave the site, causing several residents' well to go dry; that that area would be the next step to the southwest water district; and, did they need connectivity so that the southwest district could eventually be connected to the southeast district.

Commissioner Cross stated that the Moncure Fire Chief had also requested approval for one additional fire hydrant.

Chairman Lucier stated that would be on Moncure School Road. Commissioner Cross stated that was correct. He stated he believed they had met the criteria for the USDA Rural Development Line, and exceeded it with a 12 person per square mile average throughout the entire district.

Commissioner Cross moved, seconded by Commissioner Barnes, to connect all the roads in the Southeast Water District with water.

Chairman Lucier stated there were two roads that the development had paid for 11 lots, Gade Bryant Road and East Gargus, noting there were 11 taps on each road for a total of 22 taps paid for by the same developer.

Commissioner Vanderbeck asked what the average would be if those were taken out.

Commissioner Cross stated he did not believe you could legally take them out. Mr. Hughes stated at present it was one parcel, because the developer had not yet subdivided it. Commissioner Cross stated that would need to be specified, noting that with the six chicken houses that would be 24 taps.

Chairman Lucier asked why even bring up that parcel, noting that the intent with the \$500 reduced fee was to serve existing landowners, so he had somewhat of a problem with that. He stated if someone was going to build a new house as opposed to someone who already lived there, then it was a development that they were charging \$4,500 for. Chairman Lucier stated if the property had not yet been subdivided then he found that to be inconsistent and that they may be setting a precedent that could cause a substantial problem in the future.

Commissioner Barnes asked if that development would be charged \$4,500.

Chairman Lucier stated that was the intent of how the fee structure was developed, and asked if that was correct. Mr. Hughes responded he believed the \$500 fee was the enticement to get people in the district to sign up, noting that typically they would pay the \$4,500 everywhere else and that was how the policy was written. Chairman Lucier stated but everyone else had a subdivided lot and this development had not yet subdivided.

The County Manager stated if his recollection was correct, it was the intent at that time for that property to be subdivided, and he did not know why that had not yet occurred.

Commissioner Thompson asked how much had that developer actually paid, asking was it \$500 for each lot. Mr. Hughes stated that was correct.

Chairman Lucier stated he could not help but wonder if they may be setting a precedent that would cause them some trouble in the future.

Commissioner Vanderbeck stated he shared those concerns.

Mr. Rose asked what exactly did the policy say? Chairman Lucier stated the policy said when you did a subdivision and the line was already gone by or the signup period had ended, then you pay \$4,500 per hookup.

The Finance Officer stated that was correct.

Commissioner Cross asked what the policy was if the line had not already gone by. Commissioner Barnes stated \$500.

Chairman Lucier stated right now it was only one lot, but 11 taps. He asked what you would do if someone had 500 lots, would they all cost \$500? Mr. Hughes stated during this contract period the fee was \$440, but once the contractor pulled out it would be about \$1,200.

Commissioner Barnes stated they had just had a bid to put a water line in Deer Run, which was \$113,000, but they had estimated \$148,000. He stated the bid said water service connection, same side of road, was \$450; water service connection, opposite side of road, was \$560, because they had to bore under the road.

Commissioner Vanderbeck asked was there a contingency for rock. Mr. Hughes stated it was usually cheaper when the lots were all done at once, but if done one at a time for whatever reason it was \$1,100 to \$1,300 each. He stated in the southeast district, the price for the bore was \$440 plus tax, but once the developer pulled off that job the fee would be up to \$1,300.

Commissioner Cross stated they would not be doing these one or two at a time. Mr. Hughes stated the contractor had already bid so they had a firm price, which would be \$440.

Mr. Rose stated they would set the taps for these at \$500, and asked how they would know where to set the taps. Mr. Hughes stated the locations would be flagged and double checked.

Chairman Lucier stated then the developer would be putting out 22 flags. Mr. Hughes stated that was correct, 11 on one road and 11 on the other.

Mr. Rose asked had they collected the fee. Mr. Hughes stated they had because they had wanted to have the correct number of signups. Mr. Rose stated they were interpreting the policy to permit that. Mr. Hughes stated he had not interpreted the policy, he had only accepted the fee as governed by this Board, adding he had understood that was the intent of the policy.

Chairman Lucier stated he believed Mr. Hughes had acted correctly and had made the Board aware of his actions.

Commissioner Barnes stated the purpose of this was to get water to everyone in Chatham County that wanted it, and that was what they were after. He stated they had the number of people needed, as Commissioner Cross had said, in order to provide service to the entire district without having to come back later and provide service piecemeal.

Chairman Lucier stated he would not argue with that, but wanted to make sure that what they did would allow them to be consistent in the future. With the southwest water district, he stated, how much shorter were they on average with number of hookups as compared to mileage of roads.

Commissioner Cross stated they had not yet been able to work in the southwest section because no newspaper notice had been given as yet. Mr. Hughes stated actually the signups were now over 500. The County Manager noted that those were not paid signups.

Commissioner Vanderbeck stated they had had that problem in the southeast where people had signed the petition, the County had then petitioned USDA, and then people did not come up with the money and now years later here there were more signups. Mr. Hughes stated they were using a somewhat different strategy this time around, noting they were requiring paid signups at the beginning.

Chairman Lucier stated it was working, noting they had experienced an increase in signups over the last four weeks that was almost threefold. Mr. Hughes stated the people who needed water the most had gone out and petitioned their neighbors to sign up.

Woody Marsh, a citizen, remarked that they needed water, noting that when the level of your well went down your anticipation went up.

The Finance Officer asked if the bid they had gotten that the USDA was covering also covered all of these roads. Mr. Hughes stated some of the roads would be above that, so if the Board approved the entire district their scope was actually larger than the original bid scope. The Finance Officer said then they did not have USDA funds to pay for all the roads. Mr. Hughes stated that was correct, because the roads in the yellow were roads that were on the original scope and they had opened it up because they were short. He stated they would have a bigger project than what they started with if the entire district were included.

The Finance Officer asked was there additional USDA money to cover all the roads. Mr. Hughes they would have to go back to USDA and ask for additional funds.

Commissioner Cross stated the USDA had just had an infusion of money for just this type of project. Mr. Hughes stated he did not know if additional money would be forthcoming.

Chairman Lucier stated they had 424 signups, which was about 13 signups per mile on the average. He asked if that was the intent if the monies received, noting that the USDA guideline was 12 per mile. Chairman Lucier asked was that 12 per any given road, rather than an average of 12 for the entire district. Mr. Hughes stated it was 12 per mile and not for the whole district, because you had to determine what road you would actually put them on. He stated that the USDA actually looked at the density of each road.

Commissioner Cross stated he had not interpreted it that way, but had interpreted it as an average of 12 per mile for the water district. He stated that the Board had not voted to put in water lines by road, they had voted to put lines in the water district. Commissioner Cross suggested that they check that before moving forward. Mr. Hughes stated in 2004 the preliminary engineering report had stated that the criterion was a required density of 12 per mile, and that was how the roads were selected. He stated the requirement was a participation rate on those selected roads of at least 80%.

Commissioner Barnes stated there were three roads that could be taken out. Mr. Hughes stated the roads that were added were all short roads, noting no major roads were added. Commissioner Barnes stated if you went up to Janice Creek Road you would need 8 signups there, but you had none. Mr. Hughes stated that was correct, noting that on some of the roads no one had signed up. Commissioner Barnes said then that road could be eliminated. He stated if you came down to River Forks Road, you would need 31 signups and you got zero, so that one could be eliminated as well. He stated when you came to Rufus Jordan Road, it needed 16 signups and it had zero, so that one could also be eliminated.

Commissioner Barnes stated if you did not need those three roads for connections in the future, then they should be left off.

Commissioner Cross suggested they go back to USDA, explain what their mile average was and explain that the County believed the intent was to require a mile average. Mr. Rose agreed, noting he believed they should see if additional funds might be forthcoming.

Chairman Lucier stated these districts were meant to be self-supporting, and they did not want to do something that would cost the County a lot more money. He stated that Commissioner Barnes had made a good point in that it appeared that some roads had no interest. Chairman Lucier asked was there any economy of scale with those roads, stating that Rosser Road had 42 required signups and they had gotten 33.

Commissioner Barnes stated if you had 33 paid signups on that road then it should be included. He stated the object of this was to get water to those that needed it, and it should not be put off any longer.

Chairman Lucier stated he just wanted to make sure that the County finances were stable. The Finance Officer stated this was USDA money, but if they were considering putting County money with that it would certainly change the picture.

The County Manager stated getting additional information from USDA would be critical, because it was his recollection that unfortunately the USDA based it on a per road basis.

Chairman Lucier stated he believed that Commissioner Cross' assessment was a good one, and in his mind there was some logic that if you exceeded that average of 12 then they should be okay. He stated the argument was a strong one and he supported it, but his concern was would they lose out on a lot of money because the USDA did not buy that argument. The County Manager stated that was why he believed they should go back to USDA and check on that.

Commissioner Barnes stated if they took out the three roads he had just listed, it would make the overall average even higher.

Chairman Lucier agreed, but stated even with them included they still had an average over the requirement.

The Finance Officer stated the question was, were those roads included in the bid. Mr. Hughes replied that some of them certainly were.

Commissioner Vanderbeck asked how much time they had, noting he knew the contractor was working now. Mr. Hughes stated there was plenty of time since the contractor still had plenty of work to do. Commissioner Vanderbeck suggested withdrawing the motion made earlier pending receipt of more information regarding the interpretation of the USDA requirement; that they also needed a legal call on the intent of the subdivided property; and, if the USDA was not going to cover the entire project then what were the other options. He stated that all of the water districts were set up as taxable districts, and as an Enterprise Fund they had to pay for it one way or another. So, he stated, they needed that information to move forward. Commissioner Vanderbeck stated he also shared the concerns of what precedent they may be setting in other districts or in an area that had not yet become a district.

Commissioner Thompson stated he understood that this district had met the threshold of required signups, and asked what that percentage was for the southeast district. Mr. Hughes stated in the original engineering reports they had looked at the roads that had 12 per mile density, and had taken 80% of that density on those roads, and that was what the financial analysis was based on. Commissioner Thompson stated he did not understand, noting there had to be a standard percentage. The Finance Officer stated it was figured by roads, not by total miles.

Commissioner Thompson asked how it was figured for the southwest district. Mr. Hughes stated it had been done in exactly the same way. Commissioner Thompson stated the southwest required a 70% overall signup before they could install a line on any particular road, so what was the percentage for the southeast. Mr. Hughes stated in the southwest, they had looked at roads that had a density of 12 units per mile, and had then taken 80% of the people on those roads to set the minimal amount needed, which turned out to be 514 people. Commissioner Thompson stated what Mr. Hughes was saying then was that 514 people constituted the 70%. Mr. Hughes stated he did not know where that 70% figure had come from. Commissioner Thompson stated then that 70% did not apply to the southwest. Mr. Hughes stated that was correct. Commissioner Thompson asked Mr. Hughes to reiterate what applied to the southwest. Mr. Hughes stated it was 80% of the people on the roads that had 12 units per mile density, which was 514 people. He said in the southeast, that number was 236 people.

Chairman Lucier stated for the southeast district, if they dropped out the three roads suggested by Commissioner Barnes, they added up to about 6 miles; then, if you did the math on the reduced number of miles with the 424 signups you then had between 15 and 16 signups per mile. He stated he believed they should go back with that number to USDA and see if that would meet the spirit of the funding provided for that district and see if additional funding was available. Chairman Lucier stated he believed that needed to be determined before the Commissioners made any decisions on this. Mr. Hughes agreed to do that.

Mrs. Henville-Shannon asked if they had any idea why there was no interest from the residents on those three roads, wondering if the issue was that they just did not care or if they could not afford it. Mr. Hughes stated he would say that if there was no interest, then the wells in that area were sufficient. Mrs. Henville-Shannon stated her concern was that even if there was interest from those people, if they could not afford it then they would not have come forward, and asked was there any knowledge about that.

Capt. Roy Allen stated he lived on Rosser Road, and some of his neighbors were elderly people on fixed incomes. He stated he knew of three neighbors who could not pay \$500, but at the present time their wells were working well. Capt. Allen stated but there were wells not too far from his house that were drying up, and he believed that had a lot to do with the company in the area sucking up the water supply. He stated his fear was that it was only a matter of time before it affected his home as well as his neighbors who could not afford it.

Chairman Lucier stated that Rosser Road had 42 signups and 4.2 miles, making that area nine short. But if the USDA funds were made available based on the average density, he said, the County could run a line there.

Commissioner Cross stated there was another road at the end of Rosser Road that had way more signups than was needed.

Chairman Lucier reiterated that they needed to argue to get those funds from USDA, and believed they had a strong argument to do so. Then, he stated, the Board could come back and vote on the motion.

Commissioner Cross asked how long it would take to get the information. Mr. Hughes responded he believed they could get that within the next two weeks.

Commissioner Cross moved to connect water to Moncure School House Road and add a second fire hydrant as requested by the Moncure Fire Chief.

Chairman Lucier asked if that needed to be done today. Commissioner Cross responded no, but he did want to know if the Board was going to do it.

The Finance Officer asked could they wait and see what the available money would be, because they may have to identify some other funding source.

Commissioner Barnes suggested postponing the issue for two weeks to allow Mr. Hughes time to do some research and get some answers.

Commissioner Cross withdrew his motion.

Commissioner Barnes moved, seconded by Commissioner Cross, to table this matter and postpone it until the October 6, 2008 Board of Commissioners' meeting. The motion carried five (5) to zero (0).

Commissioner Cross stated that Ms. Lena Stone lived on New Leland Church Road just north of the US 1 bridge; that she had paid for four houses at the signup rate at that time, which was then \$25; that the water line had come up New Leland Church Road from Old US 1 and had stopped at New US 1 at the water tank; that Ms. Stone lived across that New US 1 and apparently was told that when the water line was run there that she would get her signups; that in 1996 the Board had decided that they could not honor those signups and had offered people their money back; that those who did not collect their money had had their money sent to the State Treasurer; that Ms. Stone did not take her money back and County records indicated she had paid for four hookups; and, Ms. Stone was requesting her four hookups. Commissioner Cross stated he understood what it cost to put in a water tap, noting he had been in a similar situation in the late 1980's where he had paid for four water taps and discovered later that he had been taken off the water project because there were only 4 houses on his road. He stated when he went to the County Commissioners they had changed their minds and put his taps back on, noting that his taps had of course been used to get the USDA Rural Development loan.

Commissioner Cross stated he suspected that the same thing had happened in Ms. Stone's case. The Finance Officer stated she believed that the \$25 taps were offered when the County had grant money to subsidize the taps. Commissioner Cross stated the point was that \$25 was the fee and Ms. Stone had paid that; that she had not taken the money back; that she had been told she would be added to the water line; and, that they needed to make a decision as to whether they would honor what Ms. Stone had paid in 1988.

Lena Stone stated that when the water lines came through, there had been an initiative to get people to sign up; that if it had not been for her four houses they would not have had the

numbers to get the lines in; that before she had paid the fee, she had been promised that the lines would be run across the bridge; that when the lines were put in they had stopped at the bridge; that she had come back and asked why the line had not crossed the bridge, and she had been told that they could not afford to do it at that time; that whether or not they could afford to do it, she had paid the fee; that when the County offered to repay her fee she had not accepted it; and, that she had then been told that the water line did not concern her because the line had not been run over the bridge, but when it did she could hook up because she had already paid.

The Finance Officer said that basically the County had offered \$25 taps in the late 1980's valid for ten years when there was grant money available, and then in 1996 had determined that those \$25 taps would no longer be honored. She stated they had advertised that the taps would no longer be honored and had offered refunds.

Commissioner Thompson stated he had been on the Board at that time and remembered when that had occurred. He asked in 1996 were people notified individually or was it only advertised in the newspaper. The Finance Officer stated that if addresses were available then those people were notified directly, and for others they had depended on ads in the newspaper.

Commissioner Thompson asked Ms. Stone had she received one of those notices. Ms. Stone said she had been aware that the County was going to do that. The Finance Officer stated they had done everything legally required, and had refunded quite a bit of money although some people did not claim theirs. She said those unclaimed funds were forwarded to the State.

Commissioner Vanderbeck stated when the fee was \$25 and people did not hook up, was that because they had changed their mind or was it because the water line did not pass their homes. Ms. Stone stated the line had never passed her house. Commissioner Vanderbeck stated that had the line passed Ms. Stone's house, she would have tapped on. Ms. Stone stated that was correct.

Commissioner Thompson stated that a lot of people had wells and simply did not want to tap on.

Commissioner Cross stated the point was that Ms. Stone had paid for four taps because the water line had been scheduled to come in front of her house, but then the line had stopped short. He stated the County had used Ms. Stone's four homes to help them qualify for the loan.

Commissioner Cross moved, seconded by Commissioner Barnes, to honor Ms. Stone's four water taps.

Commissioner Thompson asked were there other people who could come forward and asked that their \$25 tap fees be honored after the fact. The Finance Officer replied that was possible and that would be a problem, because they had turned people down and attempted to give the money back, as well as to notify people that the taps would no longer be honored.

Commissioner Barnes stated again that his point was did people not sign up because they had changed their mind or was it because the water line did not pass their homes.

Chairman Lucier stated Ms. Stone knew that the County was offering refunds of the fees. Ms. Stone replied yes, but not until much later on. Chairman Lucier stated but she had declined to accept it. Ms. Stone said that was correct, but it had been much later after she had been told that she was not included because the line did not cross the bridge, so she had declined the funds. But, she said, had she not signed up her four houses the County would not have had the numbers to receive the funds from USDA. Ms. Stone stated she had worked hard to get her neighbors signed up, and although she had not been very successful she had signed her houses up in order for the County to get the numbers they needed to run the line.

Commissioner Barnes asked Mr. Rose for his legal opinion. Mr. Rose replied he did not believe the County was legally obligated to allow Ms. Stone to tap onto the water line.

Ms. Stone stated she wondered what the situation would have been had she not signed up her four houses, noting she believed the water line would never have been run. She said the \$25 refund was offered to people who had paid the fee but once the line was run had opted not to tap on. Ms. Stone stated she had never been given the opportunity to tap on. The Finance Officer

stated that was not necessarily true, noting that there was the potential that some roads would be included but it had been determined to be financial unfeasible so lines were not run and refunds were provided.

Chairman Lucier stated that the decision was apparently made not to run the water line in front of Ms. Stone's homes, and that was why the money was offered back.

Mr. Rose asked what happened if you did not take your money back or asked for your money back, and was that considered a deposit. The Finance Officer stated they had given the money back to those they could locate, and those that could not be located the funds were transferred to the State.

Commissioner Cross asked if the County still had the records. The Finance Officer replied they had some of the records.

Mr. Rose stated if the County had an address why wouldn't they send the money back. The Finance Director stated they would have. Mr. Rose asked if it had to be requested. The Finance Officer stated she did not remember, but did not believe it had to be requested. She said unfortunately the County address system was not very good at that time so they had experienced some difficulty. Mr. Rose said if the funds could not be sent back, then he did not believe the County was further obligated.

Commissioner Thompson stated that Ms. Stone was saying she never had the opportunity to tap on because the line never came by. He asked how many other people were notified, that were in the same situation, that the County would no longer honor the \$25 taps. Commissioner Thompson asked were there others who could use the same argument as Ms. Stone that they were never given the chance to tap on because the line never came by, but had paid the \$25 fee. He stated if they were to do it for Ms. Stone, they may be faced with doing it for many others. The Finance Officer replied that was correct, and would even go so far as to say that some of those lines the County may be putting in were ones some people may have paid \$25 for.

Commissioner Thompson stated that was the problem he was struggling with, that he wanted to be fair to Ms. Stone but to make a decision in her favor could open the County up to people who would want \$25 tap ons, and financially the County could not afford that. Ms. Stone stated she did not believe that was fair, because the County had wanted her four hookups to get the water lines run. She said now that the County had what it wanted it appeared that she did not matter. Ms. Stone stated that the County was taking a \$500 fee from people now, and what was to prevent the County coming back in the future and saying the same thing to those people as she was hearing now. She reiterated that it was not fair.

Commissioner Vanderbeck stated that given the information provided and what he had heard tonight, he did not know that anyone could say definitively if Ms. Stone had not made those four signups that the water line would not have been put in. He stated those decisions were made by a prior Board, and given the information he would not be able to support Ms. Stone's request. Commissioner Vanderbeck stated he was very concerned about setting a precedent, and it was important for them to have a consistent policy throughout the County. He offered his apologies to Ms. Stone, and stated if a refund was in order he would support that.

Chairman Lucier called the question. The motion failed two (2) to three (3) with Commissioners Lucier, Vanderbeck and Thompson opposing.

PAY AND CLASSIFICATION PLAN UPDATE

Commissioner Thompson stated that he wanted to offer some comments on this issue but needed to leave.

Chairman Lucier stated this issue would take some time, and suggested that they add it to tonight's agenda. There was no objection from the Board.

WATER

Keith Welsh, owner of the first residence on Lydia Perry Road off of Asbury Church Road, stated that he was already hooked up to County water and his tap was on Asbury; that at

the time he had bought his property from a Mr. Johnson, Mr. Johnson had told him that he could run a line through his property and he would provide an easement so he could have County water; that in 2001 he had paid \$2,040 for the tap; that the day Mr. Johnson had had a surveyor on the property to survey the easement, that was the day he had died of a heart attack; that as a result he had never received the easement; that now the plan was to run a water line down Lydia Perry Road; and, he would now like to get his tap moved over to Lydia Perry Road. But, Mr. Welsh said, the County had sent out flyers stating they needed two more taps to be able to run that line, and he had signed up and paid his \$500 to get his name on the roster, even though his name was already in the system for Lydia Perry Road.

Mr. Welsh said his request was that he get his \$500 back, because all he needed was to get his tap moved over to Lydia Perry Road.

Commissioner Barnes commented that he had already paid the fee once. Mr. Welsh stated he had a receipt for the \$2,040 he had paid in 2001, and now had another receipt for \$500.

Chairman Lucier stated Mr. Welsh had paid the fee in 2001 and had the water now, and had paid another \$500 to get the needed numbers. Mr. Welsh stated that was correct, noting he only wanted to get his tap moved to Lydia Perry Road. He stated that the agreement he had had with Mr. Johnson was a verbal agreement; that Mr. Johnson's brother now lived on the property but was elderly; and, that should the property change hands the new owners would be in their rights to dig up his water line and remove it, so he had a dilemma.

The Finance Officer stated that the County had made a tap on the other road at its own expense, and if the tap was moved to Lydia Perry Road it would cost them again. Mr. Welsh said that was at the time they had run the water line down Asbury Church. The Finance Officer stated that was correct, but the tap Mr. Welsh had paid for had been made and if another tap were made the work would need to be done again. Mr. Welsh stated he had paid four times as much for that first tap, when everybody else on Asbury Church had paid \$500. He added he had also had to run 1,400 feet of line.

Ms. Stone stated she had worked hard to get the water line, and asked the Commissioners to put themselves in her situation.

Chairman Lucier stated he understood her situation as well as Mr. Welsh's, who had paid over \$2,000 and the line was now coming down the road. He asked Mr. Welsh why not just leave the tap where it was. Mr. Welsh responded because his line was running through someone else's property. Chairman Lucier stated then the issue was Mr. Welsh was worried about losing that line. Mr. Welsh replied absolutely.

Chairman Lucier suggested postponing a final decision on this issue until the October 6th work session. Mr. Welsh replied that was acceptable. Chairman Lucier stated that work session was scheduled for 10:00 a.m. and this issue would be placed first on the agenda.

Bill Lowery stated regarding the question that had come up regarding the property that was not yet subdivided, that if you had a piece of land and you had paid the \$500 and the \$15 per month, you could get the water. He stated that the signups were done by road, and they knew that when the line started going in that they would get a number of signups. Mr. Lowery stated the money was borrowed based on the number of signups by road.

Capt. Allen stated since this issue would be held open until October 6, was it acceptable to continue to lobby his neighbors and try to get more people to sign up.

The County Manager stated that the Board had set a drop dead date for staff of September 10, and the Board would need to extend that.

Commissioner Barnes suggested extending it until the next meeting.

Chairman Lucier stated he did not believe they would need to go through the advertising again, but believed it would make sense to try to obtain additional signups.

Commissioner Barnes moved, seconded by Commissioner Cross, to extend the deadline for water tap signups in the Southeast Water District through Thursday, October 2, 2008. The motion carried five (5) to zero (0).

RECESS

The Chairman recessed the meeting to the County Manager's Conference Room for dinner at 5:05 PM.

The Board discussed general topics of interest.

ADJOURNMENT

Commissioner Cross moved, seconded by Commissioner Barnes, to adjourn the meeting. The motion carried five (5) to zero (0), and the meeting was adjourned at 5:46 PM.

George Lucier, Chairman

ATTEST:

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