

**MINUTES**  
**CHATHAM COUNTY BOARD OF COMMISSIONERS**  
**REGULAR MEETING**  
**MARCH 16, 2009**

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The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met in the Superior Courtroom, 1 Hillsboro Street, located in Pittsboro, North Carolina, at 6:00 PM on March 16, 2009.

Present: Chairman George Lucier; Vice Chair, Sally Kost; Commissioners Mike Cross, Carl Thompson, and Tom Vanderbeck, County Manager, Charlie Horne; Acting County Attorney, Jep Rose; Finance Officer, Vicki McConnell; and Clerk to the Board, Sandra B. Sublett, Planning Director, Keith Megginson

**BOARD OF COMMISSIONERS’ MATTERS**

**State of the County Address:** Consideration of a request to present the State of the County Address

Dr. George Lucier, Chairman of the Chatham County Board of Commissioners, delivered the second State of the County Address with highlights as follows:



**HIGHLIGHTS:**

**STATE OF THE COUNTY ADDRESS**

**March 16, 2009**  
**Presented by George Lucier, Chairman**  
**Chatham County Board of Commissioners**

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Major Themes

- Community Survey Results
- Budget and Finance Summary, including revaluation
- Land Use and General Initiatives
- School Funding and Programs
- Department Highlights, with special focus on those most impacted by economic downturn
- Economic Development
- Citizen Participation

Community Survey Responses

<u>Ethnicity/Race</u>	<u>2006 Census (estimate)</u>	<u>County Survey</u>
Caucasian/White	71.3%	70.7%
African American	13.8%	13.6%
Hispanic/Latino	11.8%	12.22%
Other	3.1%	3.5%
Western Chatham	Central Chatham	Eastern Chatham
38%	22%	34%

#### Top Survey Issues for the Future

- Creation of jobs that pay good wages
- K-12 school facilities
- K-12 student achievement
- Growth management
- Protection of environmental and natural resources
- Crime prevention
- Public water quality and expansion
- All of these are issues that the County has targeted through funding and programs

#### Quality of Life and Customer Service

- Good place to live – 83%
- Good place to work – 28%
- Customer service
  - ◆ Good to excellent – 78%
  - ◆ Fair to poor – 21%

#### Budget and Finance Summary

- Difficult economic times for many people in the County
- This recession increases the demand for key County services at a time that revenues are slowing down
- Chatham County is in better fiscal shape than most counties in the State

#### FY 2009 County General Fund Revenues

- Total Budget = \$82,482,269
  - Property tax – 63%
  - Sales tax – 14%
  - State/federal – 11%
  - Other revenues – 10%

#### Healthy Debt Per Capita

- FY 2007 Debt Service Per Capita
  - Average Population Group\* - \$80
  - Chatham County - \$50
  - State Average - \$130

\*Population group: counties with 50,000 – 99,999 populations.

#### Lean Staffing Levels

- FY 2008 Employees Per 1,000 Residents
  - Chatham County – 7.39
  - State Average – 8.97
  - Population Group Average\* – 8.20

\*Population group: counties with 50,000 – 99,999 populations.

#### Other Budget Reduction Items

- Lower percentage of budget for salaries and benefits than other counties in our population group (14% less in FY 2008)
- Froze staff positions and eliminated unnecessary travel
- Delayed several construction projects
- Distributed list of “shovel ready” facility projects that could qualify for federal economic stimulus funding
- Initiated contract to reduce facilities’ energy use

#### Projected FY 2009 Budget Shortfalls\*

- Wake – 2.30%
- Durham – 1.99%
- Lee – 2.48%
- Orange – 4.76%
- Johnston – 1.00%
- Chatham - .024%

Upcoming Budget

- Commissioners will make targeted cuts in the budget for FY 2010 and FY 2011, rather than making across-the board cuts
- Departments have been asked to identify cuts and cost savings
- Commissioners will review to decide what cuts will be made
- Increased public involvement in the budget process

Major CIP Projects (non K-12)

- Library on CCCC Campus, Pittsboro
- Sustainable Technologies Classroom at CCCC, Pittsboro
- Industrial and Adult Education Center at CCCC, Siler City
- Judicial Center – delayed to 2010

NOTE: Detailed 5-Year Plan is posted on the County Website

Revaluation

- Revaluation is required by the State to ensure fairness and equity, not to raise revenues
- More counties are moving to a 4-year cycle, especially high-growth counties like Chatham
- The “sticker shock” factor is even worse after 8 years

Revaluation History

<u>Revaluation Year</u>	<u>Average Increase</u>	<u>Per Year Average Increase</u>
2001*	70%	11.7%
2005	32%	8%
2009	24%	6%

\*2001 reflects a SIX-YEAR period, with the previous revaluation occurring in 1995. The County initiated the FOUR-YEAR cycle in 2001.

- The County is required to consider comparable sales from 2005 through 2008
- As of November 2008, housing prices in Chatham have not declined in the past year, even though the number of sales are down
- Property owners who disagree with the County’s value can use the appeal process
- Postponing revaluation until 2010 would have been costly for the County and taxpayers

Lower Tax Rate Coming

- Your real estate property tax value is not your tax bill. The tax bill is:  

$$\text{Tax rate} \times \text{tax value} = \text{Tax Bill}$$
- Commissioners plan to adopt a “revenue neutral tax rate”
- This lowers the tax rate to generally produce the same revenue as this year

Population Growth and Projections

- 1980 – 33,415
- 2000 – 48,733
- 2007\* - 61,455
- 2020 Estimate – 86,725

\*U.S. Census estimate

Managing Growth through Land Use Ordinances and Regulations

- Provides sustainable rate of growth to ensure that growth does not overwhelm K-12 schools, infrastructure and County services
- Protects environment and natural resources through: watershed buffers, stormwater management, preservation of rural character
- Promotes economic development through creation of strategically placed business zones

#### Ordinances Enacted

- Enacted December 1, 2008
- Revised Subdivision and Zoning Regulations:
  - ◆ Benefits & protects Chatham County
  - ◆ Early input from citizens
  - ◆ Streamlined but rigorous review
  - ◆ Three levels of commercial centers
  - ◆ Landscaping and buffer requirements

#### Environmental Ordinances

- Revised Soil Erosion and Sedimentation Control, Stormwater and Watershed
  - ◆ Environmental assessments
  - ◆ Protection of steep slopes
  - ◆ Timely stabilization of sites
  - ◆ Enhancement of stream buffers
  - ◆ Design monitoring and maintenance of stormwater structures

#### Sustainable Communities Department

– Reorganization to more effectively coordinate related functions:

- Planning and central permitting
- Environmental resources
- Sedimentation and erosion control
- Transportation
- Affordable housing
- Green buildings and energy conservation

#### Ongoing Land Use Planning

- Major corridors
- Joint land use plan with Town of Cary
- Updated County land use plan and map
- Farmland preservation

#### Water and Sewer

– County water system

- Southwest District applications
- Agreement to buy water from Durham
- Regional partnership to develop a water treatment facility on the west side of Jordan Lake

– Sewer systems

- Proposed Goldston-Sanford sewer connection
- Speculative limits for wastewater

#### School Funding and Programs

- K-12 schools were a top priority in our community survey
- The County has a great working relationship with the school system
- In FY 2009, funding for K-12 schools, including facilities and related debt, was 36.5% of the County's total expenses
- Good schools are essential for economic development

#### K-12 School Funding

– FY 2009 School Revenues by Source; total budget = \$88.3 million

- State – 54%
- County – 31%
- Federal – 9%
- Other local – 4%
- Fund Balance and transfers – 2%

#### FY 2008 Chatham Per Student (ADM) School Expense vs. State Average

- School Operations – State Rank = 5<sup>th</sup>
  - ◆ Chatham County - \$3,042
  - ◆ State Average - \$1,499

- Facilities and Equipment – State Rank = 25<sup>th</sup>
  - ◆ Chatham County - \$865
  - ◆ State Average - \$664
- Total K-12 Funding – State Rank = 6<sup>th</sup>
  - ◆ Chatham County - \$3,907
  - ◆ State Average - \$2,142

#### Education Goals

- Improve SAT and End-of-Grade scores
- Improve literacy
- Reduce drop-out rate
- Close achievement gap
- Develop joint training with CCCC

#### FY 2008 Average Teacher Salary Supplements

- Chapel Hill - \$6,456
- Wake - \$6,115
- Durham - \$5,366
- Orange - \$5,153
- Moore - \$3,756
- State Average - \$3,327
- Chatham - \$3,324 (State Rank = 18<sup>th</sup>)
- Lee - \$3,039
- Alamance - \$2,822
- Asheboro - \$2,673
- Harnett - \$2,315
- Randolph - \$2,081

#### Planning for Future School Needs

- New schools should not be extravagant, but well-built, flexible for expansion and energy efficient
- 12,000 homes already approved and will be built when economy improves
- We must be prepared to meet facility needs, including securing land for schools (land banking) while we still have land available

#### New Schools and Major Renovations

- Virginia Cross Elementary, Siler City – \$17.9 million; opened 2008
- Briar Chapel Middle School, NE Chatham – \$26.1 million; due to open 2010
- New High School, NE Chatham – \$44.5 million; delayed start to 2012.
- Northwood High School Renovations/Expansion, \$4.44 million; underway
- Jordan Matthews Cafeteria and Addition, \$4.5 million; completed

#### Major Renovations

- Bleacher Replacement, 11 schools
- Security Cameras, all schools
- North Chatham Cafeteria Expansion
- Restroom Renovations, all schools
- Asbestos Removal, 7 schools
- High School Lab Renovations, 3 high schools
- Wastewater System at JS Waters

#### Schools and Successful Communities

- We need to work with CCCC and the schools to develop joint programs that:
  - ◆ Improve literacy
  - ◆ Reduce the dropout rate
  - ◆ Close the achievement gap
  - ◆ Provide job training that helps us attract businesses
- Successful schools are important to our quality of life and economic development

#### County Department Highlights

- More detailed information on all departments is included in Annual Report
- Focusing on several departments that we did not highlight last year and that are on the front lines of public service
- They deal with the impact of the recession on our community every day

#### Public Health Department

– FY 2008 Public Health Revenue Sources; total budget = \$5.91 million

- County - 61%
- Medicaid\* - 12%
- State – 8%
- Fees – 8%
- General Grants – 8%
- Other\*\* - 3%

\*Primarily includes benefits directly paid to clients

\*\*Includes self-pay, donations, Medicare and insurance

#### Health Department Achievements

- Must be accredited every 4 years. In 2008, they met 100% of 41 benchmarks in the accreditation review. They were one of only 4 counties to get this rating
- Yet, staffing levels have been static in past 3 three years
- Enhancements coming in April:
  - ◆ Pittsboro Clinic begins clinical services in addition to immunizations and medical screenings
  - ◆ Siler City Clinic begins same or next day appointments on April 1

#### Top Health Priorities

- Priorities of Healthy Chatham:
  - ◆ Affordable health care: A top issue in community survey for minorities and lower-income residents.
  - ◆ Obesity: In 2006, 36.4% of youth ages 2-18 in Chatham are overweight
  - ◆ Diabetes: The death rate due to diabetes is increasing in Chatham; closely related to obesity.
- Obesity and diabetes add huge costs to the health care system; we must help youth develop healthier lifestyles

#### Parks and Recreation

- 3 of 4 district parks are completed or underway
- Northeast District Park: Located on Big Woods Road; construction on phase one begins soon, using State grants
- Northwest District Park: Was Camp Maranatha Springs; has already hosted several events.
- Parks and recreation funding per capita has increased since 2007, with major support from grants and recreation exaction fees

#### Department of Social Services

– FY 2009 DSS Projected Revenue Sources; total budget = \$62.2 million

- Federal – 62%
- State – 29%
- County – 9%

#### Social Services Programs

- Child Protective Services
- Foster Care and Adoption Services
- Child Care Subsidies
- Child Support Enforcement
- Work First
- Medicaid (elderly/disabled and children/families)
- Food Stamps
- Energy and Emergency Assistance
- Adult Services (aging and developmentally disabled adults)

#### Major Challenges

- Operating with lean staff of 1.4 employees per 1,000 residents; just 3 counties with lower ratio
- Recession has most impacted DSS caseloads

Program	Increase
Food Assistance	13% in 12 months
Children & Family Medicaid	6.1% in 6 months
Adult Medicaid	16.7% in 6 months
State/Federal Emergency Assistance*	37% since July 1
County Emergency Assistance*	25% since July 1

\*Requests only; insufficient funding to meet demand

#### Council on Aging

- The Council is a nonprofit supported by the County
- FY 2009 Council on Aging Revenue by Source; total budget = \$1.84 million
  - Block Grants/Triangle J\* - 29%
  - Chatham County – 48%
  - Grants, Fundraising – 6%
  - Catering/Rental Income – 11%
  - Other – 6%

\*Includes NC Home and Community Care Block Grant

#### Major Challenges and Trends

- Poor economy and increase in clients has led to:
  - ◆ Emergency assistance requests up 240% in past year
  - ◆ Home delivered meals up 20% in February alone
  - ◆ Transportation: Major challenge, including funding and availability
  - ◆ Health Workers: Shortage of qualified workers and aides
  - ◆ Positive Trend: 25% increase in health and wellness participation

#### Other Vital Nonprofits

- Nonprofits, like the Council on Aging, provide jobs and critical services to the community
- United Way of Chatham County has 22 member agencies, but lists 50+ service-based nonprofits in its Resource Guide
- Chatham County provides limited funding to several nonprofits each year
- For this small investment, nonprofits reduce the overall burden on County services and County budget

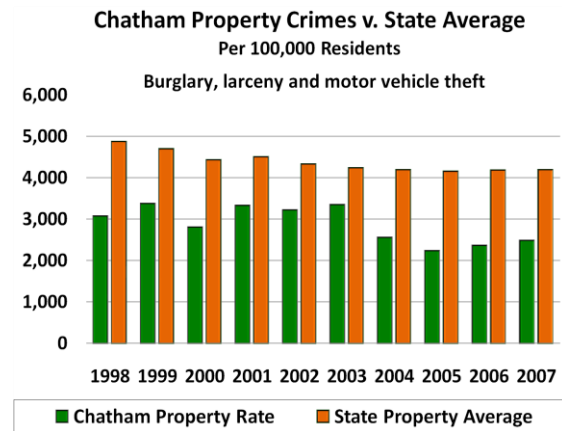
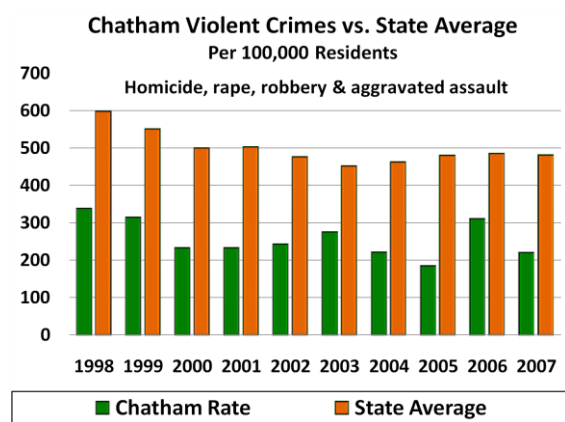
#### Sheriff's Office

- FY 2009 Sheriff's Office Revenue Sources; total budget = \$6.87 million
  - County – 96%
  - State and Federal – 3%
  - Grants and Donations – 1%
  - Other\* - 1%

\*Other includes sales, service, permits and fees

#### Major Challenges and Trends

- Annual calls dispatched to the Sheriff's Office has increased from nearly 18,000 in 2004 to in 29,257 in 2008, a 62.5% increase in 4 years
- E911 Communications (not part of Sheriff's Office) reported a 21% increase in dispatched calls for January and February 2009, compared to the same period in 2008
- Sheriff's Office has one of the lower staffing ratios in the area and below the State average
- We are near maximum inmate capacity in our jail



#### Sheriff's Office Achievements

- The number of community service hours performed by officers more than doubled from 2007 to 2008
- The gang prevention program has:
  - ◆ Formed a Countywide gang prevention task force
  - ◆ Identified 95 gang members and logged 139 gang-related incidents
  - ◆ Involved seventh graders in special classes to resist gangs, peer pressure and use of alcohol and drugs

#### Economic Development

- A strategic plan for the Economic Development Corporation (EDC) was finalized in June with major public input; the first time we have had a Countywide plan to guide us
- The plan identifies clusters of businesses to target that build on our strengths
- Focus teams have been formed around:
  - ◆ Attraction of new businesses
  - ◆ Retention and growth of existing businesses
  - ◆ Entrepreneurial support

#### Agriculture and Agribusiness

- 1,089 farms (2007 estimate) and \$142,795,000 in 2007 cash receipts
- Ranked 1<sup>st</sup> in beef cattle and 3<sup>rd</sup> in cattle overall; dropped from 5<sup>th</sup> to 7<sup>th</sup> in broiler chickens
- Pilgrim's Pride impacted 9 Chatham producers with 34 chicken houses (\$4 million in mortgages)
- Cooperative Extension is helping poultry producers:
  - ◆ Improve marketing, refinance loans, identify alternatives products or new enterprises and explore forming a growers' cooperative

#### Central Carolina Business Park

- Completed in 2008, Business Park has up to 15 remaining sites for businesses or industries
- First two tenants are:
  - ◆ Chatham Hospital (new)
  - ◆ Chatham Youth Development Center with 75 jobs
- EDC has recently contracted with broker to market the business park

#### Other Signs of Progress

- Uniboard USA announced plans to invest \$142 million in a fiberboard production facility in Moncure, retaining 146 jobs and will create 104 new jobs
- Small Businesses:
  - ◆ A new EDC Self-Help Loan Fund for small businesses and entrepreneurs
  - ◆ A Small Business Incubator is under consideration
- Job training programs at CCCC

#### Major Trends and Challenges

- Water and sewer capacity
- High-speed internet access across the County



- Quality schools and quality of life
- Increased retail sales
- Small business development
- Economic development in all of Chatham
- Towns and County must work together

#### Civic Engagement

- Advisory Boards: More than 400 residents in County government through 50+ volunteer advisory and policy committees
- Nonprofits: Residents involved as volunteers and donors
- Diversity as an Asset
- Voter Activism: For 2008 Election, Chatham ranked #1 in overall voter activism.\* Highest voter turnout in the State at 78%

\*Ranking from Democracy North Carolina

#### Working Together

- Important to work together to address challenges and take advantage of opportunities
- Set aside past differences to work together to find common ground and common purpose

Chairman Lucier indicated that was the end of the presentation, and thanked everyone for their attention. He stated he spoke for all the Commissioners when he said it was their honor to serve the County as their Commissioners. Chairman Lucier stated they would accomplish great things by working together.

#### **BREAK**

The Chairman called for short break.

#### **CALL TO ORDER**

The meeting was called to order by the Chairman at 7:45 PM.

#### **INVOCATION AND PLEDGE OF ALLEGIANCE**

Commissioner Thompson delivered the invocation after which Chairman Lucier invited everyone present to stand and recite the Pledge of Allegiance.

#### **AGENDA AND CONSENT AGENDA**

The Chairman asked if there were additions, deletions, or corrections to the Agenda and Consent Agenda.

Commissioner Vanderbeck moved, seconded by Commissioner Cross, to approve the Agenda and Consent Agenda as follows:

1. **Minutes:** Approval of Board Minutes for Regular Meeting held March 02, 2009 and Work Session held March 02, 2009.

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

2. **Tax Releases and Refunds:** Approval of taxes and refunds, attached hereto and by reference made a part hereof.

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

3. **Naming of Private Roads in Chatham County:** Approval of a request from citizens for the naming of private roads in Chatham County:

A. Larkington Drive                      B. Stardust Lane

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

4. **Mowing Services Contracts:** Approval of Mowing Services Contract for the 2009-2010 Growing Season), attached hereto and by reference made a part hereof.

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

5. **Annual Planning Board Report:** Approval of a request to accept the 2008 Annual Planning Board Report, attached hereto and by reference made a part hereof.

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

6. **Purchase of Emergency Response Vehicles – Tax Exempt Borrowing:** Approval of a request to purchase of Emergency Response Vehicles – Tax Exempt Borrowing.

- A. Bennett Volunteer Fire Department Letter of Request
- B. Moncure Volunteer Fire Department Letter of Request
- C. HR 4333 Tax Exempt Borrowing Requirements

The motion carried five (5) to zero (0). Documents are attached hereto and by reference made a part hereof.

7. **Fire Departments/Chatham County Contracts:** Approval of a request to amend contracts as follows:

- A. Amended Contract; Bennett Volunteer Fire Department
- B. Amended Contract; Bonlee Volunteer Fire Department
- C. Amended Contract; Silk Hope Volunteer Fire Department
- D. Amended Contract; Goldston Volunteer Fire Department
- E. Amended Contract; Staley Volunteer Fire Department

The motion carried five (5) to zero (0). Contracts are attached hereto and by reference made a part hereof.

8. **Resolution Opposing Senate Bill #117:** Approval of a request to adopt **Resolution #2009-22 Opposing Senate Bill #117**, an act to clarify that a local government may not impose a moratorium on development approvals for the purpose of Developing and adopting a new or revised development ordinance, attached hereto and by reference made a part hereof.

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

9. **Resolution Authorizing Applications for Funding:** Approval of a request to adopt **Resolution #2009-23 by Chatham County Authorizing Applications for Funding Under the American Recovery and Reinvestment Act of 2009 for the Governor's Club Water Line Extension**, attached hereto and by reference made a part hereof.

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

10. **Resolution Authorizing Applications for Funding:** Approval of a request to adopt **Resolution #2009-24 Authorizing Applications for Funding Under the American Recovery and Reinvestment Act of 2009 for the Southeast Elevated Storage Tank**, attached hereto and by reference made a part hereof.

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

11. **Resolution Regarding OPC Mental Health Area Board Appointments:** Approval of a request to adopt **Resolution #2009-25 Regarding Orange-Person-Chatham (OPC) Mental Health Area Board Appointments**, attached hereto and by reference made a part hereof.

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

12. **Deputy Clerk to the Board Appointment:** Approval of a request to appoint Elizabeth Plata as Deputy Clerk to the Board of Commissioners

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

13. **2009 Women's History Month Proclamation:** Approval of a request to adopt **2009-26 Women's History Month Proclamation**, attached hereto and by reference made a part hereof.

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

### **END OF CONSENT AGENDA**

### **PUBLIC INPUT SESSION**

**Chuck Gardiner**, 90 Avalant, Pittsboro, NC, presented his comments to the Board and provided them in their entirety for the record as follows:

"I am a Chatham County citizen who is concerned about the effects of illegal aliens in our community. In passing a resolution saying 'the Chatham County Board of Commissioners stand in strong opposition to any local governmental agency contracting with the U.S. Immigration and Customs Enforcement (ICE) for the purpose of enforcing federal immigration laws' I feel the Board has positioned Chatham County as a safe haven for illegal aliens.

From the wording of the resolution, it's not clear that those who wrote it thoroughly compared the cost of enforcement against the cost to our County, State, and country of doing nothing.

Suggesting that a focus on immigration violations would lead to increased racial profiling is a terribly negative comment on the professionalism and ethics of the fine law enforcement officers in this County.

The concern that reporting crimes would lead to deportation could easily be avoided by issuing a clear statement that the immigration status of people reporting crimes will not be checked, and then sticking to it. This is an issue that could have been taken up by the HRC rather than writing a sanctuary resolution.

It's interesting that resolution cited a report by the Major Cities Chiefs (MCC) association, while the North Carolina Sheriffs Association appears to be working closely to increase ties with ICE in our State. Who better understands the types of problems in Chatham County, other sheriffs in our State or police chiefs in faraway cities?

As illegal aliens take jobs from citizens, wages and working conditions in those jobs are severely depressed. Studies have shown alarmingly high unemployment rates among lower skilled, lesser education Americans. It's clear the easily exploited illegal alien labor pool is at least partly to blame for these high unemployment rates.

I did some research and estimate that Chatham County spends over \$5 million per year educating the children of illegal aliens. I'm not advocating denying an education to children, but if the parents weren't here in the first place, our school population would be lower. How much of the money we've spent educating the children of illegal aliens could have been used elsewhere?

Why do people protect illegal aliens at the expense of American citizens? Why do people get outraged when immigration laws are enforced, but don't care when millions of citizens lose their jobs to foreigners who are here illegally?

One of the excuses I've heard for doing nothing is that immigration enforcement is a "federal responsibility." I've searched high and low, but I have yet to find these mythical "federals." Instead, I found local communities are negatively impacted when illegal aliens take jobs, depress wages, enable workplace abuses, drive without being licensed, present fake or stolen ID's to obtain work, etc. All these things impact local people, not feds in faraway places. The pledge made at the beginning of this meeting was not to Chatham County, it was to our Republic. We are Americans and it's up to all of us to do what we can to ensure the laws of our country, State, County, and towns are upheld. It's time to stop relying on the excuse that it's someone else's job and start doing what is right for our County, our State, and our country!

I urge you to rescind this resolution and to fully study the impact of illegal aliens on Chatham County, rather than just writing resolutions that only speak to one side of the issue.”

Chairman Lucier thanked Mr. Gardiner for his comments but indicated his reasoning was severely flawed. He stated the reason the Board opposed Chatham County participating in the 287G program was that it was a costly program, that Chatham County would have to build a new jail now instead of a new school which would cost \$30 million, it was ineffective in crime prevention, and you had only to look at counties that had adopted 287G to see that was the case in that their increase in crime was greater than what they were seeing in Chatham County. Chairman Lucier added it was a voluntary program, , it was ineffective in crime prevention, and it did increase the opportunity for racial profiling, and for those reasons they were not going to advocate it. Chairman Lucier stated the resolution adopted by the Board stated those reasons for opposition.

Chairman Lucier said Mr. Gardiner’s stated figure of \$5 million for education were simply not correct, and that unemployment in Chatham County was not as bad as in other counties and in fact was the only county where last month unemployment actually went down. He stated there were 92 counties in the State that did not participate in 287G, so the idea that Chatham County was somehow a sanctuary county was simply not true. Chairman Lucier stated the Pledge of Allegiance ended “with liberty and justice for all,” not just for a few.

**Debby Wakefield**, 1412B River Forks Road, Sanford, NC, presented her comments to the Board and provided them in their entirety for the record as follows:

“Approximately two weeks ago, several residents in my neighborhood including me sent a letter to each of the Commissioners asking for your help in maintaining the natural beauty of the 15-501 corridor between Pittsboro and the Deep River. One specific request was for Chatham County to improve the aesthetics of the recycling center located at Mountain View Church Road and 15-501. This specific request had two items.

(1) The first includes planting a vegetative screen of trees and shrubs approximately 250 feet long to replace the one that was removed when the County water line was installed last year. We suggest a double row of evergreen trees and shrubs with the trees being at least eight feet tall. Hopefully this screen can be planted by the middle of April and – if necessary – kept watered this summer. Otherwise it should be planted this fall. We also recommend planting some flowering plants so as to make this an attractive landscape.

(2) The second request asks the County to reduce the light pollution coming from the recycling center. This includes (a) lowering the height of the four area lights, (b) placing shields around them, and (c) limiting night lighting to only one light after the center closes.

These steps would help turn the recycling center from the eyesore it has become to an attractive part of the 15-501 landscape. If you would do this I am sure the thousands of people who drive past the recycling center each day would be very appreciative. Thank you for your help.”

Chairman Lucier asked County Manager Horne to look into what could be done regarding buffering. Mr. Horne agreed.

#### **BOARD OF COMMISSIONERS’ MATTERS**

**Resolution to Urge Negotiation:** Approval of request to adopt **Resolution to Urge Negotiation Between Moncure Plywood LLC/Atlas Holdings LLC and the International Association of Machinist Local W369**

Commissioner Kost stated that before the Board was a resolution to urge negotiation between Moncure Plywood and the International Association of Machinist Local W369, and summarized the resolution by saying the strike had been going on for eight months and that Moncure Plywood was now providing jobs to 112 employees, down from 220. She stated the strike was taking a toll on the well being of the striking families and the workers in the community. Commissioner Kost stated several months ago the Commissioners had offered to assist with the negotiations but the offer was refused, and the resolution was calling upon

Moncure Plywood and the International Association of Machinist Local W369 to return to the bargaining table and negotiate in good faith to reach an equitable agreement.

**Joshua Kricker**, 224 Buteo Ridge, Pittsboro, NC, stated he was a member of the Local W369 Solidarity Committee made up of citizens that had come together to support the workers. He provided some detail of why Local W369 had chosen to go on strike, which included the introduction of venture capitalists in the form of Atlas Holdings and the institution of an additional 20-hour mandatory overtime period resulting in longer work days and work weeks. Mr. Kricker stated there were now no real negotiations ongoing.

**Beth Kricker**, 224 Buteo Ridge, Pittsboro, NC, stated that she was asking for human justice, noting what had happened in Moncure was a disgrace to the community; that for eight months 110 people had waited for something to be resolved, and they were still hanging on; that the working hours now required prevented the workers from living normal lives, such as attending church and having meals with their families; that the workers were in dire straights, and urged the Commissioners to adopt the proposed resolution and present it to Moncure Plywood to show them the sense of the community; and, that it was not so much a matter of wages but a matter of justice and human rights.

**Barb Alotis**, 570 Woodbury Street, Pittsboro, NC, stated that she was a member of the Moncure Solidarity Committee and in the name of justice they appreciated the Commissioners consideration of the proposed resolution. She stated that the fifth paragraph in the proposed resolution which stated "Whereas, the Chatham Board of Commissioners offered to support facilitation of the two parties but that this offer was refused," was misleading because the Union did not refuse to mediate. Ms. Alotis stated that the labor contract specifically stated that when there was a dispute between workers and management that by law they must initiate contact with a federal mediator to help mediate the contract, which they had done; and, that they regretted that misunderstanding and requested that the fifth "Whereas" paragraph be omitted.

Ms. Alotis read a short letter addressed to the Management Partner of Atlas Holdings in Connecticut that was signed by seven North Carolina and United States representatives, noting the letter urged them to return to the bargaining table with Local W369 and negotiate in good faith to come to a fair and equitable solution.

**Sidney Watson**, 279 Jordan Grove Road, Siler City, NC, stated that he had worked at Moncure Plywood for 30 years and it had been a good place to work in times past; that the workers had lost faith in negotiations when the new company came in and had allowed no time for negotiations regarding contracts; that the workers had been told to accept what was offered and that was it, and they had been attempting to negotiate with them since that time; that Atlas Holdings wanted to get the Union out of the plant so that they could run the plant the way they wanted with no interference, and had done that through intimidation; that after 30 years of work, Atlas Holdings had after just two to three weeks wanted to place someone else in his job, not because the other person did the job better but because it was someone they had picked and could pay them less; that was the kind of thing the Union was facing, and the members had been told if they wanted to strike to go ahead because the company did not care; and, that they needed justice.

**Gayle Ruedi**, 1386 Fearington Post, Pittsboro, NC, stated that as evidenced by tonight's State of the County address, the County was a great place to live and the Commissioners were leading them to do great things; that it was encouraging to hear that good news about economic development, but economic development meant more than just jobs, it also spoke to the quality of jobs; that there was a disconnect between Moncure Plywood's stated mission and message and its performance, noting they were "talking the talk but not walking the walk"; that a company that would unilaterally cancel the bargaining session with the Union and the federal mediator while people were en route to that bargaining session was certainly not concerned about the social equity of their employees; and, that she encouraged the Board to adopt the resolution.

**Melvin F. Montford**, 4814 Mandavilla Way, Apex, NC, stated that he was representing employees of Moncure Plywood; that negotiations with Moncure Plywood were different from any he had ever been involved in, and provided several examples; that he would urge the Commissioners to adopt the proposed resolution, and hopefully they would be able to get the workers back on the job as they deserved; that the Union had not started this situation; that

Moncure Plywood was not bargaining in good faith and were not being fair; and, that the company was in violation of the human rights of its workers.

**Lewis E. Cameron**, 788 Marks Road, Cameron, NC, stated that he was representing the Union and urged the Commissioners to adopt the resolution; that when negotiations had first started and after several meetings, the company had thrown a final proposal on the table and told the workers that they could strike if they wanted to but the final proposal was it; that no company he knew of had ever terminated contracts during negotiations but had extended them until an agreement was reached; that it was obvious that the company had no intention of trying to reach an agreement or letting the strikers come back to work, noting the Plant Manager had stated he would rather see the plant close than to let the Union back inside; and, that it was obvious the intention was to dismantle the Union, and hoped that the Commissioners would support the workers by adopting the resolution.

**Donell Toomer**, 7800 Wilson Pond, Fuquay-Varina, NC, stated that they had been on strike for eight months and needed any help the Commissioners could offer. He stated they wanted to get the situation resolved, and urged the Commissioners to adopt the resolution.

**Charles Raines**, 948 Osgood Road, Sanford, NC, stated that he had worked for Moncure Plywood for almost 40 years, and he would not go back into the plant without the backing of the Union; that they had had struggles over the years but nothing like what was happening now; that the entire atmosphere and tone of the management had changed, noting they had often been spoken to with no respect and as if they were children; and, that he was asking for the Commissioners' support.

Commissioner Kost asked to strike the fifth "Whereas" from the resolution which referred to the Chatham County Board of Commissioners offering to support facilitation of the two parties but stating that this offer was refused. She stated that she did not feel that it added or subtracted from the resolution so she would recommend that it be stricken.

Commissioner Vanderbeck stated he would support removing the fifth paragraph from the resolution, as did Commissioner Cross and Commissioner Thompson.

Commissioner Kost moved, seconded by Commissioner Vanderbeck, to adopt **Resolution #2009-27 to Urge Negotiation Between Moncure Plywood LLC/Atlas Holdings LLC and the International Association of Machinist Local W369**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Commissioner Thompson stated given the extraordinary amount of time that these people had not been working, they certainly needed help; that there was a question of whether they were eligible to receive any benefits, and he would like to establish an agency to coordinate benefits for the people who lived in Chatham County, noting that agency would likely be the Department of Social Services (DSS); that he would like the DSS Director through the County Manager to let the Board know what the workers were eligible for if benefits were available, if they could act as a coordinating agency to help the people find what benefits were available for them, and help them to obtain those benefits; and, that the resolution would be a good platform for follow-up by making direct contact with the company through the Chair and Vice Chair.

Chairman Lucier stated that regarding the benefits, he agreed 100% and asked that County Manager Horne check to see what benefits the striking workers might be eligible for through the County and to make eligibility occur for those benefits. By consensus, the Board agreed.

Chairman Lucier stated the second suggestion by Commissioner Thompson was for him and Commissioner Kost to visit the company and urge them personally to continue or begin negotiations with the goal of reaching a successful conclusion. Commissioner Kost stated she would be happy to do so. Chairman Lucier added he would as well, and it would be done.

### **BREAK**

The Chairman called for a five-minute break.

## **FINANCE OFFICE**

### **Approval of Documents Prior to Briar Chapel Middle School Financing:**

1. Resolution Authorizing the Installment Financing Contract with RBC Bank
2. Installment financing contract with RBC
3. Deed of Trust draft for the middle school property
4. Lease agreement between the school and the County for the middle school
5. Agency agreement between the school and the County.

The Briar Chapel School will be used as collateral for the loan. The County will actually own the school building until the debt is paid off; therefore, a lease agreement and an agency agreement between the County and the Board of Education must be signed.

The agency agreement designates the Board of Education as the County's agent to contract for the acquisition, construction, renovation, and equipping of the School. The lease agreement will allow the School to use the County's building.

Vicki McConnell, Finance Officer, stated there were five items that needed to be adopted before they could move forward with borrowing the funds for the Briar Chapel Middle School, and provided some information on each item.

Commissioner Thompson moved, seconded by Commissioner Kost, to adopt **Resolution #2009-28 Authorizing the Installment Financing Contract with RBC Bank**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Commissioner Cross moved, seconded by Commissioner Kost, to approve the installment financing contract with RBC, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Commissioner Kost stated in a couple of places there was reference made to \$27 million, and asked should it say "no more than" \$27 million. Ms. McConnell stated they would adjust that figure to reflect the bid amount, and would do that throughout all of the documents.

Chairman Lucier stated that they had estimated the school would cost close to \$27 million, and the accepted bid was \$23.3 million.

Commissioner Vanderbeck moved, seconded by Commissioner Thompson, to approve the Deed of Trust draft for the middle school property, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Commissioner Kost stated the actual bid amount was over \$17 million, and the \$23.3 was the project budget with contingencies built in. She pointed out that the school would actually be the County's facility and would be reimbursed for sales tax on construction materials for that facility, so they would actually realize a substantial savings of about \$800,000 by doing it that way because the school system would have had to pay the sales tax.

Commissioner Kost moved, seconded by Commissioner Vanderbeck, to approve the lease agreement between the school and the County for the middle school, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Commissioner Cross moved, seconded by Commissioner Kost, to approve the agency agreement between the school and the County, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

## **PLANNING AND ZONING**

### ***Public Hearing:***

**Public Hearing on Request by Contentnea Creek Development Company:** Public hearing to receive public comments on a request by Contentnea Creek Development Company [Cooper Subdivision of 63 lots] for an amendment to the Conditional Use Permit on a revision to Condition #4 [regarding roads to adjacent land] and Condition #10 [regarding site plan changes]

on property located at 739 Hatley Road, Parcel #17357; #82822; #82823, on approximately 130 acres, New Hope Township

Chairman Lucier administered the oath to Karen Kemerait and Reginald Wright, who wished to make public comments.

Karen Kemerait, Attorney on behalf of Contentnea Creek Development Company, 1117 Hillsboro Street, Raleigh, NC, stated that they were requesting two amendment to the Conditional Use Permit, the first to Condition #4 regarding roads to adjacent land, and the second to Condition #10 regarding site plan changes. She explained the events that had taken place since the Conditional Use Permit had been approved on October 6, 2006, noting that during that period Contentnea Creek had voluntarily agreed to conduct an Environmental Impact Analysis prior to submitting preliminary plats for Phases 2 and 3, but that agreement had never been made a condition of approval for the preliminary plat for Phase 1; that as a result of the EIA, Contentnea redesigned the plans to avoid a substantial number of impacts by eliminating 17 lots from the subdivision and redesigning the road layout to eliminate five stream crossings and to minimize the amount of cut and fill; and that as a result of that redesign and elimination of lots, they were able to eliminate the crossing of Parkers Creek.

Ms. Kemerait stated they were requesting amendment of Condition #4 to eliminate the requirement that a right-of-way must be provided to the Corn property because it was no longer necessary since access was being provided by the adjacent Parkers Springs subdivision, and the Cooper subdivision would be a more environmentally sensitive project if the creek crossing that enabled the right-of-way to the Corn property were eliminated. In support of that request, Ms. Kemerait offered emails from Fred Royal and Chris Hopper who both agreed that the elimination of the creek crossing would result in substantially less environmental impact.

Ms. Kemerait explained the reasons for the request to amend Condition #10, many of which were the same as those for Condition #4; that because the design of the subdivision had been substantially changed due to the many design changes including the elimination of 17 lots and redesigning the road layout to eliminate five stream crossings, the site would not be developed substantially in accordance with the plans submitted with the CUP application; and, that they were requesting that Condition #10 state that the site shall be developed substantially in accordance with the plans submitted as part of the request for amendments to the Conditional Use Permit.

Commissioner Kost stated she understood the elimination of the right-of-way to the Corn property, and asked Ms. Kemerait to summarize any other major changes resulting from the reduction from 60 to 43 lots. Ms. Kemerait responded that the lots sizes had significantly changed, and explained how the roadways had changed due to the elimination of three creek crossings. Commissioner Kost stated then mainly it was moving the roads and increasing the size of the lots, and asked was there anything else, noting that the Commissioners were being asked with the change to Condition #10 to accept the revised plans.

Chairman Lucier stated what he had noted were the reduction from 60 to 43 lots, the elimination of creek crossings, and from the topographical maps it appeared there was less construction on the steep slopes. He stated that all of those things were improvements and had less environmental impact, and asked were there others that should be noted. Ms. Kemerait replied all impacts had been noted in the materials, adding that all streets would have street lights.

**Reginald Wright**, 4211 Tryon Road, Raleigh, NC, stated that his property was just east of this subdivision; and; that he was in support of the plans and encouraged reducing the impervious surfaces as well as the reduction in environmental impacts.

Chairman Lucier stated that once this public hearing was completed, the matter would go to the Planning Board which would develop a recommendation for the Commissioners, so it would come back to the Board at a future date. He stated it was likely the Planning Board would review it at its April meeting, so most likely it would come back to the Commissioners with a recommendation at its April 20<sup>th</sup> meeting.

Karl Ernst, Planning Board Member, asked would the project have County water. Ms. Kemerait responded yes.



Chairman Lucier asked would that eventually be part of the line that ran back to Big Woods to the loop. Ms. Kemerait replied yes. Chairman Lucier stated then it would connect down to Parkers Springs and eventually out towards Big Woods to the planned loop that would address pressure issues.

The Chairman closed the public hearing.

***Preliminary Plat Approval:***

**Preliminary Plat Approval Request by Lee Moore Capital Company:** Approval of a request by Lee Moore Capital Company for subdivision preliminary plat approval of "County Line Site", consisting of three (3) commercial subdivision lots and one exempt, over 10 acre tract, located off US #15-501 North, Williams Township

Keith Megginson, Planning Director, explained that the Commissioners had discussed the issues at their January 26, 2009 meeting, and issues of concern included a notice of violation from Soil Erosion and Sedimentation Control dated January 14, 2009 and review of the project by the Chatham County Appearance Committee; that Jim Willis, Chatham County Erosion Control Inspector, had inspected the property for final compliance and given a report to the Board at its February 16 work session, and a copy of the report could be viewed on the Planning Department website; that the Appearance Commission reviewed the project on February 11, 2009, and a copy of their report was available on the Planning Department website as well; that according to Section 4.7 B. of the applicable old Subdivision Regulations the Board had until March 27 (60 days from January 26) to make a decision on this request; and, that after discussion at the February 16<sup>th</sup> meeting, the Commissioners had voted to table the issue until tonight.

Commissioner Kost stated that the three lots had curb and gutter which would require 24% impervious surface, and they did not know what the plans were for the balance of the site. She asked under the Watershed Protection Ordinance, what the impervious surface requirement was for this project. Mr. Megginson replied they did not know that the lots would be built upon, and that would be when impervious surface came into play. Commissioner Kost stated her question was what did the rules require, noting she believed it would be limited to 24% impervious surface. Mr. Megginson stated that was with curb and gutter. Commissioner Kost stated the three lots had curb and gutter, so if the balance of the project did not have curb and gutter, how would the calculation be done. Mr. Megginson stated it would be calculated on the overall project once they knew what the project would be, noting the developer would not be allowed to exceed the maximum amount.

Commissioner Kost stated that since the large lot was over 55 acres and it was exempt from the Subdivision regulations, at the time plans were brought forward for that lot would it fall under the new Subdivision regulations and new zoning requirements.

Chairman Lucier stated it was both RA-1 and B-1 because there was 20 acres total in B-1 and 67 in the total parcel. Mr. Megginson stated the residential portion would come under all current regulations.

Commissioner Kost asked what about any additional commercial lots in the balance of the B-1. Mr. Megginson stated that it was straight business and has been from what he can recall, and the County Attorney could correct him on this, it would not come under....

Chairman Lucier stated that it would be subject to the 24% impervious surface. Mr. Megginson stated the entire project would come under that 24%. Chairman Lucier stated that 20-acre piece that was currently zoned B-1 would count towards that 24% impervious surface. Mr. Megginson agreed.

Commissioner Kost stated they had received \$248,000 for transportation improvements north of Andrews Store Road as part of the federal stimulus money, and one project identified was placing sidewalks along 15-501 particularly around the area of the park and ride lot. But, she stated, the Subdivision regulations allowed them to require sidewalks and in this particular case where the buildings were so close to the road she believed it was prudent to have the developer install 5-foot-wide sidewalks on this property along 15-501 as opposed to a path.

Patrick Bradshaw, Attorney representing Lee Moore Capital Company, stated that at the time the Appearance Commission had reviewed this they had no awareness that there would be public funds available for sidewalks, so that Commission had recommended a path. He stated he had reviewed the major transportation corridor recommendations and there were cases where those recommendations preferred paths over sidewalks.

Commissioner Kost stated she had served on the Major Corridor Task Force, and that the path idea had come up when they had much farther push-backs from the road. She said the distance noted in those recommendations was 100 feet, and did not believe this project was 100 feet from 15-501. Mr. Bradshaw stated that the plan before the Commissioners did show the buildings 100 feet off the road. Commissioner Kost stated the edge of the parking was what the Major Corridor recommendations noted. She stated, with a larger buffer she could see where you could have streetscaping with meandering paths, but what they were talking about here was that a sidewalk made the most sense in that location. Commissioner Kost said she was not looking for the stimulus money to pay for that sidewalk, but was looking for the developer to pay for that sidewalk. Mr. Bradshaw stated he wanted it considered just how fair that might be, noting that his client had owned that property for 35 years and that portion had been zoned for business for 35 years. He stated if there were public funds available that would be used for that same purpose on other properties that were adjacent and nearby then he suggested that in all fairness the Board might consider allowing his client to benefit from those funds as well.

Commissioner Kost stated she had thought they were identifying sidewalks closer to the park and ride going south past Performance and down towards Cole Park, and wondered how far that \$248,000 would take them. Mr. Megginson responded it should be enough to do that entire stretch stopping at the gas station with possibly some funds left over.

Chairman Lucier asked how far north it would go. Mr. Megginson said it would go from the convenience center to the park and ride and then from the park and ride to the County line site.

Commissioner Vanderbeck stated the developer could always make up the difference to take it to Cole Park, if they were willing. Commissioner Kost agreed the sidewalk did need to go further than the gas station.

Jim Hinkley, Planning Board Member, stated that members of the Planning Board had asked him about the sequence of events and the improvements made on the property, and why curb and gutter and paved streets had already been put in when before they had received preliminary plat approval. Mr. Megginson responded that typically, especially with shopping centers, all infrastructure was installed first even before decisions were made about exactly what would be built, but once that was done they then had to go through the process.

Commissioner Kost stated they were also able to skip the sketch design process because the road they thought they had seen on the plat was considered a road but an easement.

Jim Elza, Planning Board Member, stated that Lot 4 as he understood it was not being platted at this time. Mr. Megginson stated it was part of the project, but technically because of the lot's acreage it was not a subdivision lot. Mr. Elza stated that Lots 1, 2, and 3 were zoned Business, and that regarding the question about impervious surface being no more than 24% the intent was to borrow impervious surface from Lot 4 and apply it to Lots 1, 2, and 3. He stated what had worked well in the past was to designate the amount of impervious surface being borrowed at between 70% or 80%, so that when a buyer purchased that lot that they were assured that they had that much impervious surface. Mr. Elza stated that should be clearly tracked.

Mr. Bradshaw stated that was exactly what they had planned to do, noting that the impervious surface of the entire track would have to be balanced so that the portion that had curb and gutter would not exceed 24% and the part that did not have curb and gutter could not exceed 36%. He stated that would be taken into account and they would balance the impervious surface on the entire track.

Commissioner Kost stated when that was platted and recorded that notation would be on that track of land. Mr. Bradshaw stated he had no issue with that.

Commissioner Kost stated she would be interested in hearing what other Commissioners thought about her suggestion regarding the sidewalk.

Commissioner Vanderbeck stated he was fine with that, adding the Subdivision regulations did allow them to require a sidewalk and they could include that in whatever motion was made. He stated he believed they should do whatever was available to get that sidewalk, and it would mean the developer would have less to pay for the sidewalk in front of this property.

Mr. Hinkley asked what type of residential development was proposed for the R-1 parcel, and should they expect that the developer would be coming in to request that it be rezoned commercial. Mr. Bradshaw stated that Lot 4 was actually partially zoned B-1, and they had no plans at this time in regards to the use of that parcel.

Commissioner Thompson stated then the request on the table was to require the sidewalk as specified, and to use whatever money was left from the \$248,000 stimulus money to supplement that.

Commissioner Kost stated she would actually make the motion that the developer pay for the sidewalk in front of this property as required by the Subdivision regulations. She stated it was stimulus money but that was still taxpayers' dollars.

As per the Planning Department's and the Planning Board's (with a vote of 5 for and 4 against) recommendation, Commissioner Kost moved, seconded by Commissioner Vanderbeck, to grant approval of the road names *County Line Village Drive*, *Proctor Lane* and *Hutchins Lane* and to grant the request for Preliminary Plat approval for the creation of three non-residential subdivision lots, Lot 1, Lot 2 and Lot 3, with the following conditions:

1. The applicant shall provide a revised NCDOT Commercial Driveway Permit showing the new lot configuration, or documentation from NCDOT that no new permit is needed prior to final plat approval.
2. The applicant shall submit documentation from the County Environmental Resources Director showing approval of the buffer evaluation performed by Soil & Environmental Consultants prior to final plat approval.
3. The applicant shall contact the Chatham County Historical Association about a possible historical cemetery that may be present on the site. The developer shall provide documentation from the Historical Association, including any possible recommendations, prior to final plat approval.
4. The applicant shall construct the travel way within the 60-foot wide private road easement to state standards, and shall provide certification prior to final plat that the travel way is constructed to state standards and the privately maintained roads are otherwise in compliance with the Chatham County Subdivision Ordinance in effect at the time of submittal of preliminary plat. The applicant shall also submit a road instrument for the privately maintained roads pursuant to Section 6.2(D) (2) of the Subdivision Ordinance prior to final plat approval.
5. The applicant shall submit a site plan of the commercial areas prior to final plat approval demonstrating an integrated parking area.
6. A plan demonstrating the first ½ inch of stormwater runoff from impervious area on Lots 1, 2 and 3 and the private easement serving them will be managed within the overall property shall be submitted to the County Environmental Resources Director for review and approval prior to final plat approval.
7. A sidewalk will be provided by the applicant along the frontage with US Highway #15-501 either on the applicant's property or in the NCDOT right-of-way.
8. The final plat shall include a note describing the impervious surface limitations for all of the property shown on the plat.

Mr. Megginson stated there was a possibility that the applicant's sidewalk on his property and the sidewalk planned to be built with the stimulus money might not met.

Commissioner Kost stated that appeared to be the problem with building the subdivision and then coming in and making the request. She stated had the request been made first then this would not be an issue, but it was an issue now because it was already constructed.

Chairman Lucier stated he did not believe it to be a big issue, noting that public funds could be used if necessary to connect the additional 20 feet. Mr. Megginson stated but the Board was saying that the sidewalk was to be on their property. Chairman Lucier stated yes, unless they could convince DOT to put it on theirs.

Judy Harrelson, Planning Board Member, stated one issue was that there was already significant runoff into the perennial stream that was on the neighbor's property.

Commissioner Kost stated she did not believe that there was any stormwater provision in the original proposal, but the applicant had volunteered to do stormwater management. She stated that Fred Royal had visited the site and reviewed the plan, and had been okay with it.

Chairman Lucier stated the Board had also reviewed the Notice of Violation and the corrective actions taken on the basis of that violation, and had already read the minority report and provided extensive comments on it.

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

***Zoning and Ordinance Amendments:***

**Request to Rezone Acreage:** Approval of a request by R. L. Matthews to rezone Parcel #19386 consisting of approximately 1.197 acres, located at 545 Old Farrington Road, Williams Township, from R-1 to Conditional Use Neighborhood Business District

Mr. Megginson stated that the Planning Board had considered the request at its March 3, 2009 meeting and recommended approval with a 9-1 vote.

Chairman Lucier asked what the reason was for the vote against approval. Mr. Warren Glick, Vice-Chair of the Planning Board, stated he was the lone vote against approval. He stated a lot of time and effort had been spent to develop a scheme for where commercial properties would be established, and here they were establishing the first property through spot zoning. Mr. Glick stated he was opposed to it for that simple reason, adding there were no other facilities of that nature in the area and the amount of tax base it would provide would be minimal. Chairman Lucier stated it was his understanding there were some commercial properties adjoining that.

Jim Hinkley, Planning Board Chair, stated one concern of the Planning Board was that although there was a beauty shop located next to this property, there was vacant property to the south and there was some fear that this would be the beginning of a strip.

Commissioner Cross moved, seconded by Commissioner Kost, to adopt **An Ordinance Amending the Zoning Ordinance of Chatham County**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

**Request for Conditional Use Permit:** Approval of request by R. L. Matthews for a Conditional Use Permit on Parcel #19386 consisting of approximately 1.197 acres, located at 545 Old Farrington Road for a "heating, plumbing, electrical, cabinet, and similar shop" business

Mr. Megginson stated that the Conditional Use Permit request was specific to the business that Mr. Matthews wanted to conduct there, and the Planning Board had recommended approval with a 9-1 vote. He stated there had been questions regarding the activities to take place on the property and what equipment would be stored, and the applicant had provided a landscape plan for screening and maintaining the original look of the property. Mr. Megginson stated the property would continue have a residential look.

Commissioner Kost stated that regarding Condition #2 regarding parking, she suggested adding that all parking should be in the rear of the main building. She stated that the point was

the look of the property would not change, and she had been concerned that the parking not give the feel of a commercial property. Jack Haggerty, representing the applicant, stated that the photos provided showed the parking at the right hand side of the property, and the existing parking area would be used as an accessible space. Commissioner Kost stated then there would still be three parking spaces on the side of the building, so she would suggest that Condition #2 state that all parking would be to the side or the rear of the existing one-story building. Mr. Haggerty stated they had no issue with that.

Commissioner Kost stated the other issue was that of storage, and they did not want a lot of open storage that was not screened. She suggested an additional condition that would limit the amount of storage that was opened and not screened. Mr. Haggerty stated they would be agreeable to that.

Commissioner Kost moved, seconded by Commissioner Vanderbeck, to adopt **Resolution #2009-29 Approving an Application for a Conditional Use Permit Request by R. L. Matthews** with the conditions as outlined by the Planning Board with two additional conditions that (1) All the parking be to the side or the back of the existing one-story building; and, 2) No outdoor storage of materials shall be permitted. The motion carried five (5) to zero (0). The resolution is attached hereto and by reference made a part hereof.

**Request to Rezone Parcel:** Approval of a request by Redd Dog LLC to rezone Parcels #2684 and #2683 (to be recombined) consisting of approximately 1.83 acres collectively, located at the corner of US #15-501 North and Woodbridge Drive, Baldwin Township, from R-2 to Conditional Use Community Business District

Mr. Megginson stated the application was to rezone those parcels from R-2 to Conditional Use Community Business, and the Planning Board had by a unanimous vote of 10-0 recommended approval of the rezoning request.

Commissioner Vanderbeck moved, seconded by Commissioner Thompson, to adopt **An Ordinance Amending the Zoning Ordinance of Chatham County**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

**Request for Conditional Use Permit:** Approval of a request by Redd Dog LLC for a Conditional Use Permit on Parcels #2684 and #2683 (to be recombined) consisting of 1.83 acres collectively, located at the corner of US #15-501 North and Woodbridge Drive for a "Veterinary clinics and hospitals with dog runs or equivalent facilities" business

Mr. Megginson stated that the Planning Board had by a unanimous vote of 10-0 recommended approval of the conditional use permit with the conditions as stated in the materials.

Commissioner Thompson moved, seconded by Commissioner Cross, to adopt **Resolution #2009-30 Approving an Application for a Conditional Use Permit Request by Redd Dog LLC**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

## **BOARD OF COMMISSIONERS' MATTERS**

**Non-Profit Review Panel Volunteers Appointment:** Appointment of Non-Profit Review Panel Volunteers

Action was taken on this item during the afternoon Work Session.

## **MANAGER' S REPORTS**

The County Manager had no reports.

## **COMMISSIONERS' REPORTS**

**NC Housing Finance Agency Housing Rehabilitation Grant:** Approval of Post Approval Documentation (PAD) for NC Housing Finance Agency Housing Rehabilitation Grant in the amount of \$400,000

Mr. Megginson stated at a previous meeting the Board had approved acceptance of the grant, and that there were various policies requiring approval according to the NC Housing Finance Agency. He stated that the policies were generally standardized by the grant awarding agency and were required to be approved by the Board before the grant could move forward.

Commissioner Kost stated under the Procurement Policy it stated that “Three to five eligible contractors on the County’s approved contractor registry shall be invited to bid on each job... .” She suggested that they insert the words “Chatham County contractors” to be clear that they would be giving business to Chatham County contractors. Mr. Megginson stated you could not limit it to in-County contractors or limit it in any other way, noting that the language provided was the standard language and other provisions for bidding that the County now had including nondiscrimination, advertising, and encouraging minority bidders would still be complied with. Commissioner Kost stated she believed the language was confusing. Mr. Megginson reiterated that that was standard language and was the minimum, noting the County could go beyond that minimum and use its own policies. Commissioner Kost stated she had asked Ms. McConnell to look it over, and they should do whatever they could to encourage that.

Jep Rose, County Attorney, stated as Mr. Megginson had said you could not limit it to only in-County or in any other way. He stated you could encourage the bidders but in the end the bid had to go to the lowest responsible bidder.

Commissioner Kost stated but they could encourage bidders from Chatham County contractors. Mr. Rose responded that was correct.

Commissioner Thompson asked if they had a list of contractors in the County that they typically contacted, or was it simply advertised in the newspaper or other publications. Mr. Megginson stated they did have contact with County contractors as well as others.

Chairman Lucier stated they needed to do everything possible in this economy to make sure those sorts of projects went to Chatham County contractors, because people in that industry were suffering and they should do what they could to see that the money stayed in the County. Mr. Megginson stated the ads only ran in the Chatham County papers.

Commissioner Thompson asked if the Purchasing Department had a contact list of Chatham County contractors, and were those contractors contacted directly. Mr. Megginson stated that typically they did send bid forms to contractors they knew of for particular kinds of work. Commissioner Thompson asked were those people contacted directly. Mr. Megginson stated generally they used advertisements. Commissioner Thompson asked what kind of timeframe they were looking at as far as sending out bid forms, getting the bids back, and then making decisions. Mr. Megginson stated it depended on several factors and would be hard to say at this point.

Commissioner Kost moved, seconded by Commissioner Vanderbeck, to approve the following with an amendment to the Procurement Policy as stated:

- 1) Post Approval Documentation
- 2) Chatham County Assistance Policy for the 2009 Cycle of the Single-Family Rehabilitation Program
- 3) Procurement Policy and Disbursement Policy
- 4) Grant Project Ordinance

The motion carried five (5) to zero (0). The documents are attached hereto and by reference made a part hereof.

**Weatherization and Green Economy:** – Discussion of federal stimulus package, weatherization programs, and the “green” economy

Dr. Karen Allen stated that a number of people in the County involved in job training and economic development had been in meetings the last few weeks to put together a proposal for weatherization programs and the green economy; that the community college had developed a leadership role, and believed they were in good position to get some funding through the federal stimulus package to build up the economy in the County; and, that they were proposing that the

Board appoint a group of people to specifically put proposals together to go after that funding rather than several different groups doing it in an unorganized way.

Chairman Lucier stated there had been some concern that the efforts to go after funding would be somewhat fractured, and so getting all interested parties together and working together would be beneficial. He stated the involvement of the community college was absolutely essential, and proposed that the Board form a working group as suggested by the letter sent to the Board from Jeffrey Starkweather that suggested that representation from groups such as the Green Building Task Force, the Environmental Review Board, the Piedmont Bio-fuels Committee, representatives from Chatham County, Pittsboro, Goldston, and Siler City, the Economic Development Commission were all appropriate groups to be involved. Chairman Lucier asked that they continue to meet, and the Board would consider establishing the group once a formal proposal was in front of them at their meeting on April 6.

Commissioner Kost asked had the working group talked about what kind of staff support might be needed, noting she envisioned them needing someone to “put pen to paper” to fill out applications and to do the leg work. Dr. Allen stated it certainly was an issue, adding the community college had a full-time grant writer who could provide some assistance. She stated they certainly could use some additional help, and did not know if it would be appropriate to get some support from the County’s resources.

Chairman Lucier stated he had talked to the County’s grant writer, Lisa West, and she may be able to provide some help. He stated they would help out where they could.

Commissioner Vanderbeck suggested that possibly the Small Business TDC might be able to help, perhaps by providing an intern through their connections with UNC. Dr. Allen responded they would approach them.

Chairman Lucier stated there was initially \$77 million earmarked for the State, and it had been thought it might go through the State’s Energy Office. Dr. Allen stated it appeared that larger communities of more than 200,000 population would receive direct allocations, but communities of Chatham County’s size would need to apply through the NC Department of Energy.

Chairman Lucier thanked Dr. Allen and stated that the Board of Commissioners would discuss this issue at the April 6 Work Session.

**Wright and Whitaker Schools - Letter to Governor Perdue:**

[10:02:40 PM](#) Commissioner Vanderbeck

Commissioner Vanderbeck moved, seconded by Commissioner Thompson, to approve the letter to Governor Perdue regarding the possible closure of Wright and Whitaker Schools. The motion carried five (5) to zero (0). Copies of the letters are attached hereto and by reference made a part hereof.

**Economic Development Commission Meeting:**

There will be a joint meeting with the Economic Development Commission (EDC) at the Best Foods Cafeteria on March 19, 2009.

**Northwood High School:**

Chairman Lucier stated that Northwood High School played in the State championship basketball game on Saturday. He stated that they lost the game, but that it was still a great accomplishment and that he would like to draft a resolution honoring the team and the coach. By consensus, the Board agreed.

**Joint Meeting with Cary:**

The County Manager indicated that dates had not yet been identified.

Commissioner Kost stated that they had spoken with three of the Cary Council Members and they were going to direct their Clerk to look at the schedules.

Chairman Lucier stated that it was a very productive meeting and that he felt they had made significant progress.

**ADJOURNMENT**

Commissioner Vanderbeck moved, seconded by Commissioner Thompson, to adjourn the meeting to convene as the Southeast Water District Board. The motion carried five (5) to zero (0), and the meeting adjourned at 10:06 PM.

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George Lucier, Chairman

ATTEST:

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