

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
WORK SESSION
APRIL 20, 2009

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 April 20, 2009.

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

The Work Session was called to order by the Chairman at 2:02 PM.

Work Session

1. **US #64 Phase 2A Study Presentation** by David Wasserman on the long-term and short-term alternatives for US #64 from the US #64 Business/Bypass interchange in Pittsboro to the US #64/US #1 merge in Cary and consideration to approve of the US #64 Phase 2A Study No-cost Supplemental Agreement with a revised completion date of December 31, 2009 needs to be executed by all participating parties
2. **Continuation of discussion of sidewalk project on US #15-501** from Mann’s Chapel Road to south of the Orange County Line. Planning Staff will update Board of Commissioners on the application/funding process
3. **Extended from March 16, 2009, work session this is a continuation of a discussion of the process for revisions (if any) to conditional use permits concerning Polk Center**
4. **Empowerment, Inc. Development Agreement:** The Board of Commissioners is considering whether to approve this proposed agreement between Chatham County and Empowerment, Inc. to become the agent for Chatham County to ensure construction and sale of three lots in Briar Chapel with affordable housing. Included in the agreement are deed requirements, sale and resale of affordable housing.
5. **Green Building Group:** Approval of the establishment of a Green Building Group Committee
6. **Chatham/Cary Joint Meeting:** Confirmation of Chatham/Cary joint meeting date. No dates are firm as this is written; May 13 is the most likely date but not yet confirmed by Cary elected officials. Location is to be determined but The Preserve in either Chatham County or Cary is the most likely location for the meeting.
7. **Budget Dates:** Approval of dates on which to hold budget public hearings and budget work sessions. Public hearing dates recommended are May 18 (in Pittsboro) and May 21 (Siler City). Suggested Board of Commissioners’ budget work sessions are June 1 (after regular meeting), June 3, 4, 9, 10 and June 11, if needed.
8. **Resolution Appointing the County Manager or His Designee as the Watershed Administrator** along with attachment outlining draft of division of duties

9. **Chatham/Orange Joint Planning Task Force:** Consideration by the Board of Commissioners of a proposal by Orange County for a Joint Planning Task Force composed of elected officials from each participating jurisdiction. The task force, if formed, will focus on regional issues such as land use, watershed, zoning and other areas where cooperation and partnership might make sense.
10. **Closed Session:** attorney/client privilege

US #64 PHASE 2A STUDY PRESENTATION

The County Manager stated that David Wasserman was present to provide the Board with an overview of the project, and that there was an attention item regarding extending the study for a period of 6 months or up to the end of the year because of the time it had taken to get the study completed.

David Wasserman reviewed the US #64 Phase 2A Study and provided the following PowerPoint presentation:

Project Sponsors:

- ◆ North Carolina Department of Transportation (NCDOT)
- ◆ Capital Area Metropolitan Planning Organization (CAMPO)
- ◆ Chatham County
- ◆ Wake County
- ◆ Town of Pittsboro
- ◆ Town of Apex
- ◆ Town of Cary

Members of the Study Team:

- ◆ Federal Highway Administration (FHWA)
- ◆ US Army Corp of Engineers (USACE)
- ◆ North Carolina State Parks Service
- ◆ North Carolina Turnpike Authority (NCTA)
- ◆ Triangle Area Rural Planning Organization (TARPO)

What is the Purpose of the Study?

To Develop a Master Plan to:

- ◆ Upgrade US 64 to a freeway
 - From US 64 Bypass/US 64 Business Split to west of Jordan Lake
 - From east of Jordan Lake to NC 540
- ◆ Upgrade US 64 to an expressway
 - Across Jordan Lake
 - From NC 540 to the US 1/US 64 interchange in Cary

What will be the products of the study?

- ◆ Long-term Plan of Improvements
- ◆ Short-term Plan of Improvements
- ◆ Implementation Plan
- ◆ Land Use Strategies
- ◆ Agreements between Study Partners

Study Process

Recommended Long-Term Improvements

- ◆ Ultimate goal is to upgrade to a freeway and expressway.
- ◆ Implemented over an extended period of time (15+ years)
- ◆ Includes:
 - Interchanges at Mt. Gilead Church Road/Pea Ridge Road, Big Woods/Seaforth Road, Farrington Road, NC 751
 - Multi-use path from Haw River to Apex, across Jordan Lake
- ◆ Recommendations based Public and Professional Staff input

Recommended Short-Term Improvements

- ◆ Recommendation is to construct a Superstreet at major intersection and modifying median openings at other intersections

- ◆ Improves traffic flow and extend the useful life of the facility
- ◆ Should be implemented within the next 5-10 years, if funding is available
- ◆ Provides a safe facility with adequate traffic operation

Goal of Long-Term Improvements

- ◆ The ultimate goal of the long-term improvements will be to convert the existing roadway to an expressway and freeway facility. The recommended long-term solution will be implemented over an extended period of time and includes: replacing signalized intersections with interchanges, closing access points (such as driveways or entrances), and using service roads for access to developments. There will be additional analysis and public involvement opportunities in the future as individual projects are funded for construction.

Land Use Assessment

- ◆ Analyzed existing land uses along the corridor
- ◆ Evaluated land use plans from each Town and County
- ◆ Developed land use recommendations based on:
 - Development patterns typical of highway corridors in growing regions
 - Local land use plans
 - Long-term and short-term transportation solutions

Implementation Plan

- ◆ Recommends priority order of implementation of short-term and long-term improvements

Segment	Failure Year	
	Existing Condition	Short Term Improvements
A – West of Haw River	2015*	2040
B – Mt. Gilead Church Road/North Pea Ridge Intersection	2020	2040
C – Big Woods Road/Seaforth Road Intersection	2015*	2040
D – Jordan Lake Area	2030	N/A
E – Farrington Road/Beaver Creek Road Intersection	2020	2040
F – NC 751/New Hill Road Intersection	2010	2025
G – Jenks Road Intersection	2010*	2025
H – Kelly Road/NC 540/Green Level Church/NC 55 Area	2025	N/A
I – Davis Drive Interchange Area	2025	N/A
J – CSX Railroad Crossing/Laura Duncan Road Area	2010	2025
K – Lake Pine Drive Intersection	2010	2025
L – East of Lake Pine Drive to US 1 Interchange	2010	2025

*Denotes failure year for existing intersections that are unsignalized.

Study Process – Workshop #2

- ◆ Purpose is to present the recommended:
 - Long-term solution
 - Short-term solutions
 - Land use assessment
 - Implementation plan
- ◆ Simulations will be available for the long-term and short-term solutions
- ◆ Workshops scheduled on April 27th in Apex and April 28th in Pittsboro at Horton Middle School, 5:00 – 8:00 PM

Project Website – www.ncdot.org/~US64study

At the conclusion of the PowerPoint presentation, Mr. Wasserman provided photos and maps of what US 64 looked like today and pointed out the locations of the proposals for long-term and short-term solutions, providing some details of particular proposed improvements. He stated the intention was that once the workshops were concluded, that plans would be finalized and they would bring forth to the Commissioners a Memorandum of Understanding that hopefully they would sign along with the other six funding partners, which would say that they endorsed the recommendations and would incorporate them into the Land Use and associated

Transportation Plans. Mr. Wasserman stated that the deadline for written comments was the end of May, or 30 days after the last workshop.

Commissioner Thompson asked what would be the impact if one of the seven parties choose not to sign the Memorandum of Understanding because they did not agree with a particular issue or issues. Mr. Wasserman stated they hoped to avoid that, noting that was why they had involved the staffs of each entity and why they would be incorporating comments received at the workshops. He stated that hopefully at this point there was nothing radical that would need to be changed because they had gotten to this point by the input received from all parties.

After a brief discussion, Commissioner Vanderbeck and Commissioner Kost agreed to attend the April 28th workshop at Horton Middle School. Chairman Lucier stated the issue should be placed on the Board's May 4th agenda for further discussion, and they could decide at that point if the Commissioners had formal comments to be provided by the end of May deadline.

Mr. Wasserman asked if the Board had identified any major issues at this point.

Commissioner Kost stated a recommendation in the Economic Development plan was to take advantage of the tourism opportunities around Jordan Lake, and yet they were going to have to make land use decisions that would restrict development around those major interchanges. She stated that those actual interchanges would not be constructed for 15 to 20 years, so where did that leave them? She stated that no one would want to place anything 2,000 feet or a half-mile up Mt. Gilead Church Road or Ferrington Road, that they would want to be along the corridor but could not be because the interchange was planned to go there.

Chairman Lucier stated it was a dilemma, noting that ordinarily they would not want to put commercial activity along those roads but would want to put them at the intersections. The County Manager stated another issue to be considered was that the property would be restricted for perhaps 25 years, and what affect that would have for the property owners.

Commissioner Kost stated the Board understood that from DOT's perspective, noting the purpose of the plan was to get people through Chatham County faster. Mr. Wasserman responded it got people to Chatham County faster as well.

Chairman Lucier stated that on May 4th the Board would discuss this issue again, and asked that hard copies of the PowerPoint presentation be provided to the Board for that meeting.

Supplemental Agreement:

Mr. Wasserman stated that the Supplemental Agreement was necessary to amend the completion date of December 31, 2008, noting that because the study was ongoing a no-cost supplemental agreement with a revised completion date of December 31, 2009 needed to be executed by all parties.

Commissioner Vanderbeck moved, seconded by Commissioner Thompson, to extend the supplemental agreement until December 31, 2009 and authorize the County Manager to sign the Memorandum of Agreement. The motion carried five (5) to zero (0).

Commissioner Vanderbeck stated what was lacking here was that the Rural Planning Organization (RPO) still did not have its comprehensive transportation plan, so they were moving ahead blind without an essential piece of the puzzle, which was unnerving.

SIDEWALK PROJECT ON US #15-501

The County Manager stated today's discussion was a follow-up from April 6, and at that time it looked from the chronology of events that getting stimulus funding was prohibitive; that Commissioner Kost had attended the Metropolitan Planning Organization (MPO) meeting and discussed it; and, it now appeared that they had a stimulus plan that was workable.

Ben Howell, Planner, stated that they had had discussions with the MPO as well as Speaker Hackney's office and it now appeared from his last communication with DOT that the

Board of Transportation had approved the administrative modification that was needed to the State TIP, and that the MPO had also approved the administrative modification to its TIP. He stated they now had the necessary approvals and the funds had been appropriated, and he was currently working with David Hughes to gather the materials needed to send to DOT to get the agreement finalized.

Chairman Lucier stated then it appeared that would work. Mr. Howell stated that was their belief, and once they got the materials to DOT it would take about two to three weeks to get the draft agreement completed. He stated that once the County and DOT approved and finalized the agreement, it would then go to the Board of Transportation for approval, most likely in June, and the funding would then be available to begin the preliminary engineering and design work. Chairman Lucier remarked that would mean the County would not have to front the funding for any of the costs. Mr. Howell agreed that was their belief. Chairman Lucier thanked the staff for getting that worked out.

Commissioner Kost stated from the last discussion the question was exactly where did they want the sidewalk to go, and reiterated that they had talked about taking it as far as Cole Park but if they could get all the way to Mann's Chapel that would be even better. She stated it was her understanding that the owner of the County Line would be responsible for the sidewalk in front of his property.

Commissioner Kost stated there were two projects, one being the sidewalk and the other the streetscape, and according to staff at the MPO they had the flexibility to move funding between those two projects. Mr. Howell stated as far as the funding those were considered as one project, noting they had submitted the project as sidewalks with streetscape or landscape improvements.

Commissioner Kost stated the other outstanding issue was who would maintain the streetscaping, and DOT would only maintain it if it were built to their minimum standards. She stated she believed they would want the standards to be higher than that minimum, so they had discussed during the agenda review that they get the Appearance Commission involved so that they looked at very low maintenance landscaping. Mr. Howell stated he had discussed that with DOT and he was told that was fairly typical. .

Chairman Lucier stated once they began the project, they could determine how best to split the funding between the sidewalk and the streetscape.

Commissioner Vanderbeck asked if extra funding was received through CMAQ from Orange County, and could that be applied to this project. Mr. Howell stated that Orange County had transferred about \$33,000 from their leftover CMAQ funds and it had already be decided that those funds as well as the County's CMAQ money would go to enhance Pittsboro's sidewalk project at Business 64 and NC 87 to provide for crosswalks and signalization.

Commissioner Vanderbeck stated it appeared they would need to know the budget impact of the maintenance for the streetscape/landscape aspect of the 15-501 project.

Commissioner Kost agreed, but believed they could do it in a way that it was low maintenance such as the use of trees and shrubs rather than flower beds. Mr. Howell stated that Mr. Hughes believed that if the landscaping was installed correctly it should have a very minimal budget impact.

POLKS VILLAGE

The County Manager stated this was a follow-up item from April 6, noting the question was whether to revise certain conditions associated with the Polks Village Conditional Use permits.

Jason Sullivan, Assistant Planning Director, stated at the conclusion of the discussion on April 6 the Board had requested additional information including what the original site plan looked like and revised plans showing how the landscaping would look. He stated they had received copies of that last week but had received revised copies prior to today's meeting.

Chairman Lucier stated the Board was being asked to decide whether or not to require a new submission of the CUP. Mr. Sullivan stated that there had been a number of requests for modifications to the site plan, and the question before the Board was whether or not they believed them to be substantial enough changes to require going back through the Conditional Use permitting process or if the modifications would be handled administratively by staff.

Chairman Lucier stated there were three basic plans before them, the original plan submitted in 2006, the second was the plan that was administratively approved by staff, and the third was the plan now proposed to deal with the DOT issues and the ingress/egress issues that were different from what was originally anticipated. Mr. Sullivan stated there were also the issues with owners of adjoining properties. He stated that Condition #4 on the CUP required that Polks Landing Road be converted to a right-in/right-out access, and Condition #5 discussed the new road and whether or not it would be publicly maintained. Mr. Sullivan stated they also had the additional landscaping and sidewalk issues that had been raised by the adjoining property owners. He stated staff believed the primary issues were Conditions #4 and #5 from the CUP. Chairman Lucier stated then what the Board was looking at was the difference between site plans 1 and 3, or was it 2 and 3? Mr. Sullivan stated it was the difference between site plans 2 and 3.

Staples Hughes, Vice-President of Polks Landing Homeowners Association, summarized his email dated April 18 and stated that the latest revised plan before the Board showed the minimum height of plantings along Polks Landing Road, noting that should any of those plantings die in the future they would be replaced with similar plantings. He stated the plan also showed sections of existing trees of good size that would be salvaged and incorporated into the plan. Mr. Hughes pointed out that there was an area where there was the least buffer towards the entrance to the subdivision, and the plan was to increase the initial planted heights by a foot or two in that area to provide a better barrier.

Chairman Lucier stated he understood that Mr. Hughes was speaking for the Polks Landing Homeowners Association, but asked had any of the nearby homeowners associations or individual property owners weighed in on the plans. Mr. Hughes stated the only actual development nearby was Scarlet Oaks but no lots had been sold, and there were several mobile homes nearby as well as one residence. He stated that because of the ratio of pervious to impervious surface, there were approximately 20 acres of the 40-acre tract that could not be disturbed, and believed that was an advantage to the neighbors.

Chairman Lucier asked about the location of stoplights. Mr. Hughes responded there would be a stoplight at the main entrance as well as one on Polks Landing Road.

Commissioner Kost stated the Appearance Commission had not had time to review the plan, and believed there were a couple of things on the plan that that Commission would likely have issues with, including Leyland Cypress's. She stated perhaps the Appearance Commission could review the plans and suggest more appropriate plantings, noting she would be more comfortable with the plan if the Appearance Commission had the opportunity to review it and comment. Mr. Hughes stated they would be happy to do that.

Jerry Turner stated that many of the issues had come about due to DOT, and they had tried to accommodate them as best they could.

Chairman Lucier stated the total square footage now noted was less than what had been approved, reduced from 124,000 square feet to 113,008 square feet, caused by the road that was now required to go through the middle of the development. Mr. Hughes replied that was correct.

Commissioner Vanderbeck stated in general he was pleased that every effort had been made to work with the Homeowners Association, and that clarification had been provided regarding the landscaping which addressed some of the Board's concerns. He stated he was not sure if the changes could be approved administratively. Jep Rose, Attorney, stated he believed the changes could be approved administratively by the Planning Department, noting it was clearly a lesser impact on surrounding properties.

Chairman Lucier stated then the Board could do nothing and allow the Planning Department to make the decision. Mr. Rose stated he believed the Planning staff had brought the issue before the Board to let them know it was their thought to administratively approve the

changes based on what the developer had agreed to do to meet the objections of the Homeowners Association, and the Board need do nothing.

Mr. Sullivan stated staff had brought this to the Board's attention because staff's main concern was that Polks Landing Road as originally approved would not be a primary access for the development, but with DOT modifications it would make Polks Landing Road a primary route into the development.

Commissioner Vanderbeck asked what would be a State-maintained road and what would be maintained by the developer or the Homeowners Association. Mr. Hughes stated they were both State-maintained roads.

Mr. Rose stated the question was maintenance of the new road to be built to NCDOT standards, but some mechanism would need to be put in place for the maintenance through a bond or a Homeowners Association agreement or the like. He stated when the permit was revised that would need to be incorporated into the language.

Mr. Turner stated they had already agreed to maintain all interior drives and parking.

Brantley Powell stated that there would be a property owners association that would require that anyone owning property would be a member and that entity would have the ability of setting up a budget that set aside reserves for maintenance of all common areas and maintenance of the roads and parking lot.

Commissioner Vanderbeck asked would there also be some sort of bond to ensure that such reserves were maintained. Mr. Rose stated that was a possibility, but most developments operated without such bonds.

Chairman Lucier asked if the Sturdevant's had commented on the plans. Mr. Sullivan stated they had talked to them initially and they had been invited to attend one of the public meetings.

Mr. Powell stated that Mr. Sturdevant had attended and at the end of the meeting had indicated he had no issues with the plans, and they had heard nothing else from him to this point.

Chairman Lucier stated that Polks Landing Road would have to have turn lanes. Mr. Turner stated that was correct, and those would be provided within the existing right-of-way of 15-501, which was significant.

Angela Birchett, Land Use Administrator II, stated that Ruben Blakely had indicated that DOT would be responsible for making the road fit from 15-501 up to where it turned into the development and that it would meet DOT standards.

Chairman Lucier stated that would require some widening up to where the road turned into the development, so that would have some impact on the Sturdevants. Ms. Birchett stated possibly, but DOT would not utilize anything other than the existing right-of-way.

Mr. Sullivan reiterated that they had received no contact from the Sturdevants after the initial contact.

Chairman Lucier stated his concern was that the widening not take any additional property and that it only use that existing right-of-way. He stated if the road had to be widened it should come out of the north but he did not know how that would affect the proposed plantings. Mr. Hughes stated if they did that then all the plantings would have to be on their property outside of the existing right-of-way. He stated he did not believe they had reached the level of design that would show the widening at this point, but everything would be done within the existing right-of-way, and all trees outside the existing right-of-way would be saved by default.

Mr. Rose stated he believed there was consensus from the Board to allow the Planning Department to make administrative approvals.

Commissioner Kost agreed, but with the caveat that the plantings be reviewed by the Appearance Commission. Mr. Rose stated that part of the approval process for the permit

required that the Appearance Commission review all planting materials before administrative approval could be granted.

Mr. Sullivan stated for clarification, administratively they would make modifications to Conditions #4 and #5, and possibly to Condition #3, of the CUP. He stated for Condition #4, they would be waiving the requirement for a right-in/right-out only; that for Condition #5, they would not be enforcing the requirement that the new road connecting US 15-501 and Polks Landing Road be dedicated to DOT although the requirement that it be built to NCDOT standards would remain; and, that Condition #3 as it related to the Appearance Commission review for new landscaping would be followed and new plans would be submitted and approved by the Planning Department prior to installation of the first plantings. Mr. Sullivan stated in regards to Condition #3, they would be looking at long-term survivability of any plantings and incorporating that into the approval.

Chairman Lucier stated then no action was required of the Board, and Planning staff would move forward with administrative approval of the modifications.

BREAK

The Chairman Lucier called for a short break.

EMPOWERMENT DEVELOPMENT AGREEMENT

The County Manager stated the Development Agreement had been negotiated over a period of months and was now ready for the Board's consideration.

Commissioner Vanderbeck stated they had looked out for long-term affordability, as well as protection for the County in terms of financial investment and resources, but it was important to remember that this agreement was for three lots only. He stated that this had been a learning process for them and the agreement had undergone close scrutiny, and believed the agreement was ready for execution. Commissioner Vanderbeck stated that the eventual owners of the lots could possibly take advantage of some stimulus money as first-time homebuyers, so it was a win-win for everyone.

Mr. Rose stated he had reviewed the agreement and identified an inconsistency having to do with the provision that allowed EmPOWERment when they got ready to sell the property that there was a maximum price they could receive based on a resell formula. He stated the agreement had been that if it was not sold within six months then they had to first put it back to EmPOWERment that was ½ percent less, but the declaration provided eight months. Mr. Rose stated that needed to be corrected to six months, or the Board needed to agree to provide eight months for EmPOWERment to sell the house to another eligible homeowner. He advised that with today's economy, perhaps eight months would be more realistic.

Commissioner Thompson stated he assumed that there had been some negotiations that had led to that discrepancy. Mr. Rose stated he believed that was a correct assumption. Commissioner Thompson stated in reading over the agreement and based on the parameters, that the County was encouraging EmPOWERment to develop those three lots and if they were done right then they could expect to continue to develop. Mr. Rose agreed. Commissioner Thompson stated he also understood that it was important to set limits on the County's behalf, but they also wanted to provide a reasonable time for EmPOWERment to do what they needed to do. Mr. Rose stated they absolutely wanted to encourage them to continue to develop affordable housing, but if they could not get the three developed then the County needed to have safeguards in place.

Commissioner Kost stated on page 5 where it mentioned the six months, it said that was from the date the home was placed on the market, but on page 11 where the eight months was noted, it said sixty days before an owner put the house on the market they had to notify EmPOWERment. She said then it said that the eight months began when EmPOWERment and the County were notified of the owner's intent, so she was not really sure that was inconsistent if you added the six months to the sixty days. Mr. Rose stated he supposed it could be interpreted that way, and after looking over the language again agreed that the language could remain as is.

Commissioner Thompson moved, seconded by Commissioner Kost, to approve the EmPOWERment, Inc. Development Agreement and Declaration of Deed Restrictions, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

CHATHAM GREEN ECONOMY TASK FORCE

Chairman Lucier stated this was something the Board had discussed a couple of times, noting it was a group to establish a public/private working group to potentially deal with any green economy funds that came from federal stimulus funding. He stated the group had met several times and some of those people were included in the proposed membership list. Chairman Lucier stated the group would be an ad hoc County board to work with the appropriate entity to research and apply for any funds for green building and energy conservation that might become available. He stated his advice would be to provide some guidance as to the membership such as the Chair to oversee the group, and that the Chair of the Green Building Task Force, Laura Lauffer, as well as Jeffrey Starkweather be members as well. Chairman Lucier also suggested that Commissioner Vanderbeck be appointed to represent the Commissioners.

Chairman Lucier stated in regards to the other elected officials noted in the membership list, that Ms. Lauffer, Mr. Starkweather, and Commissioner Vanderbeck could work that out since this was not a formal board.

Commissioner Kost moved, seconded by Commissioner Thompson, to form the Chatham Green Economy Task Force and that that ad hoc group form an Intergovernmental Public/Private Working Group to promote Chatham Green Economy with federal stimulus funds and to ask Commissioner Vanderbeck to work with Jeffrey Starkweather and Laura Lauffer in appointing the group. The motion carried five (5) to zero (0).

JOINT MEETING CARY/CHATHAM COUNTY

The County Manager stated that May 13 had been confirmed, but no location or time had been determined. He stated they were working to secure either the Carolina Preserve or The Preserve in Chatham County, and that would be confirmed when the agenda was finalized within the week. The County Manager noted the time would be early evening but no dinner would be provided.

Chairman Lucier stated that at the Board's May 4 meeting they should discuss what items they wanted covered during that meeting on May 13, as well as any materials that would need to be provided. The County Manager stated a tentative agenda would be provided to the Board prior to May 4.

BUDGET DATES

The County Manager stated that the Siler City date was noted as the 19th but it should be the 21st, but otherwise the public hearing dates were May 18 in Pittsboro and May 21 in Siler City, and the budget work sessions were June 1 after the Board's regular meeting, and the dates of June 3, 4, 9, 10 and 11 were available if additional meetings were necessary. The County Manager stated they were still on target to have the proposed budget to the Board on May 4.

By consensus, the following meeting dates were set: Public Hearings: May 18, 2009 in Pittsboro and May 21, 2009 in Siler City; and, Budget Work Sessions: June 1 (after regular meeting), and June 3, 4, 9, 10 and June 11, if needed.

RESOLUTION APPOINTING THE COUNTY MANAGER OR HIS DESIGNEE AS THE WATERSHED ADMINISTRATOR

The County Manager stated this had evolved from discussions about moving the watershed review process from the Planning Board to the ERB, and in order to allow Fred Royal to be the watershed administrator a resolution was necessary to give him the authority to appoint Mr. Royal.

Chairman Lucier stated the Watershed Review Board was now the Environmental Review Board. The County Manager stated that was correct. Chairman Lucier asked had that

Board received training. Mr. Rose stated he had met with them and conducted a question and answer session which he believed would constitute training.

Chairman Lucier stated the resolution noted duties and responsibilities, and did not believe they should formalize anything at this point but wait until the Sustainable Communities Director was hired and allow that person to weigh in on that. The County Manager agreed, noting that as they moved forward there would be additional items that would need refinement that the Sustainable Communities Director could assist with.

Commissioner Vanderbeck moved, seconded by Commissioner Kost, to adopt **Resolution #2009-_____ Appointing The County Manager or His Designee as the Watershed Administrator**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

CHATHAM/ORANGE JOINT PLANNING TASK FORCE

The County Manager stated this was a follow-up from the last meeting when there had been some incomplete paperwork, which had since been obtained; that the Task Force would be composed of two elected officials from each jurisdiction and one representative from UNC, OWASA, and Triangle Transit as well as various staff; that the Task Force would be charged with reviewing and assessing various regional transportation issues and planning issues; and, that regular reports would be provided to the respective governing bodies.

Chairman Lucier stated the first question was should they enter into participation with the Joint Planning Task Force, the second question was if the answer to the first question was yes, then which elected officials would participate from Chatham County, and the third question was did the Board want to modify in any way the scope of activities. He stated he believed the County should be a part of the Joint Task Force because they had a lot to gain by doing so.

By consensus, the Board agreed.

Chairman Lucier stated the next question was who would participate from the Board. He suggested that the Chair and Vice Chair be appointed to represent the County on the Joint Task Force.

By consensus, the Board agreed.

Chairman Lucier stated the third question was if the Board wanted to modify the scope of activities in any way.

Commissioner Kost stated she was not suggesting a revision, but believed they needed to point out that given that it was already April and they wanted feedback by late spring 2009, that the timeline was far too ambitious and the County could not agree to that.

Chairman Lucier agreed that the timeline needed to be adjusted to recognize the fact that it was already late April, but believed that could be done with a cover letter when their agreement was transmitted back to Orange County. He stated that under Task Force staff, the letter noted Chatham County Planning and Public Works staff, and he believed they may want to modify that to include the Sustainable Communities Department which he did not believe anyone would have an objection to.

Commissioner Kost stated that Orange County had their Parks and Recreation Department involved because one of the objectives was to look at joint parks, so perhaps they should consider involving the County's Parks and Recreation staff on an as-needed basis.

Chairman Lucier stated that was a good point and perhaps that should be mentioned in their response as well.

Commissioner Kost moved, seconded by Commissioner Vanderbeck, to appoint Chairman Lucier and Vice Chair Commissioner Kost to the Chatham/Orange Joint Planning Task Force. The motion carried five (5) to zero (0).

Commissioner Vanderbeck stated that he would be willing to serve as an alternate.

ECONOMIC DEVELOPMENT BREAKFAST – OPPORTUNITY CHATHAM

Commissioner Cross stated the Economic Development Breakfast – Opportunity Chatham was scheduled for May 12 and there were tables of eight available for \$185 or \$25 per person. He stated he had talked with the County Manager and depending on the number of Commissioners who wanted to attend they should reserve a table and perhaps invite each Town to send a representative if the County did not have eight people.

Chairman Lucier asked why the fee was so high, adding \$25 was a lot of money for a breakfast. Commissioner Vanderbeck responded that the EDC was not the mechanism, that it was coming through the Abundance Foundation. He stated he believed the breakfast was being used as a fundraiser for the Abundance Foundation.

Commissioner Cross stated the invitation clearly stated that the EDC would be hosting the annual meeting. Commissioner Vanderbeck stated the invitation he received in the mail referenced the Abundance Foundation as the mechanism for the event and payments were to be directed to them. The County Manager offered to contact Dianne Reid and get additional information.

Commissioner Kost suggested that at the next meeting of the EDC that they express that the Commissioners believed the fee was at a level that was high for a breakfast meeting, and at that price they may have excluded some people who were interested in attending.

Commissioner Cross stated he would also inquire about whether or not it was or should be a fundraiser and if it was who or what would benefit.

Commissioner Vanderbeck stated he also was concerned that this topic was not brought up at the regular EDC Board meeting and was not discussed with the Board.

Chairman Lucier stated the only thing that was discussed was that it was scheduled for May 12, but no other information was provided including the cost.

REZONING

Old US Highway #87 Rezoning Issue:

Chairman Lucier stated he had received a call from Derek Grines who owned property on Old Highway 87 and operated a landscaping business there, and he apparently was not included in the recent rezoning. Mr. Sullivan stated he had received a voice mail from Mr. Grines, and apparently his business was a home occupation and not one that would have been included in the rezonings. He stated that Angela Birchett, the Land Use Administrator II, had talked to Mr. Grines at length as well as to his father and both had said they wanted to talk directly to Chairman Lucier as well as to the County Manager as to why they were not included as one of the businesses. Mr. Sullivan reiterated that they had looked at it as a home occupation and not as a stand-alone business. Chairman Lucier stated then he assumed the issue had been settled. Mr. Sullivan stated that Ms. Birchett had explained the situation to them at length, but if Mr. Grines wanted to submit information to the County they would be glad to look into the matter. Chairman Lucier stated it certainly could not be included in this round of public hearings, but perhaps they could consider it for the next round if feasible.

Commissioner Vanderbeck suggested that Ms. Birchett send the Board a brief summary of her conversations with Mr. Grines and his father. Mr. Sullivan agreed to do so.

SCHOOL CLOSING

The County Manager stated that they had closed last week on the loan for the Briar Chapel Middle School. The Finance Officer stated there were no points involved, in that the bank had decided to waive the administrative fee. She stated in return the County had given up the refunding option, but with an interest rate of 4.5% the possibility of refunding was slim to none in any case. The Finance Officer also offered an explanation of the issue of the points versus the administrative fee.

Chairman Lucier stated that had saved the County \$350,000, and they were still on schedule with the school and closing had taken place. The Finance Officer stated that was correct, and the money was in the bank. She added that they had anticipated a rate of 5.25% in their model.

Chairman Lucier stated they had saved several million dollars because the estimates had come in under projections, and the interest rate was three-quarters of a percent less than what they had anticipated, but on the other hand the debt was for 20 years rather than 30 years so it may be close to a wash. The Finance Director said it may be a little to their benefit, but it helped with impact fees.

The County Manager stated the next project was the library and the community college classroom, and they were anticipating the loan would be a 10-year loan so the Commissioners needed to be aware of that. The Finance Officer agreed, noting if they tried to stretch it to 20 years the interest rate would not be as low.

Chairman Lucier asked when the bids would go out for the library, classroom, and the campus in Siler City. The Finance Director replied sometime in May with the money borrowed in June.

CLOSED SESSION

Commissioner Cross moved, seconded by Commissioner Vanderbeck, to go out of Regular Session and convene in Closed Session for the purpose of discussing matters within the attorney/client privilege. The motion carried five (5) to zero (0).

REGULAR SESSION

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

RECESS

Commissioner Vanderbeck moved, seconded by Commissioner Thompson, to recess to the meeting to the County Manager's Conference Room for dinner at 5:00 PM.

The Board discussed the new Chatham County public access channel on cable television, also known as a PEG channel.

ADJOURNMENT

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

George Lucier, Chairman

ATTEST:

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