

**MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
WORK SESSION
OCTOBER 05, 2009**

The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met in the Agricultural Building Auditorium, 45 South Street, located in Pittsboro, North Carolina, at 9:49 AM on October 05, 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; Assistant County Manager, Renee Paschal; Clerk to the Board, Sandra B. Sublett; and Deputy Clerk to the Board, Elizabeth Plata

The work session was called to order by the Chairman at 9:49 AM.

Work Session Agenda

1. **Farmland Preservation Work:** Status Report - Phillip Gottwald will be present to give the Board of Commissioners a status report on a study looking at options for farm preservation strategies for Chatham County.
2. ~~**Lake Jordan Sailing Center Presentation**~~

This item was removed from the Consent Agenda is to be considered at a later date.
3. ~~**Performance Contract with Johnson Controls**~~

This item was removed from the Consent Agenda is to be considered at a later date.
4. **Discussion of possible expansion in Chatham County of Transportation Planning Area of the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC-MPO)**
5. **Update on Triangle Area Rural Planning Organization Congestion Mitigation and Air Quality Funds**
6. **Presentation of a Model Fair Housing Civil Rights Ordinance:** Presentation of possible Fair Housing Civil Rights Ordinance, how it works, the time necessary to complete background work and Board of Commissioner discussion.
7. **School System Capital Projects:** Discussion on staff request to amend the FY 2007-08 and FY 2008-09 budget ordinances to allow the balance of school capital outlay funds to be paid monthly in FY 2010 with a quarterly update on the status of these projects and associated expenditures.
8. **Qualified School Construction Bonds (QSCB):** The school system was recently awarded 0-interest QSCB bonds totaling \$3.8 million for bathroom renovations and new school roofs. As we've reported we may have problems selling the bonds. There are few markets. As a result, buyers are charging interest on what is supposed to be a 0-interest product.

Chairman Lucier welcomed everyone to the Work Session

FARMLAND PRESERVATION WORK

Phillip Gottwald, gave a status report on a study looking at options for farm preservation strategies for Chatham County and presented a PowerPoint.

Mr. Gottwald answered questions from the Board and citizens.

DISCUSSION OF POSSIBLE EXPANSION IN CHATHAM COUNTY OF TRANSPORTATION PLANNING AREA OF THE DURHAM-CHAPEL HILL-CARRBORO METROPOLITAN PLANNING ORGANIZATION (DCHC-MPO)

Commissioner Kost stated that at the last DCHC MPO meeting, there was discussion about expanding the jurisdictional boundaries of the MPO in Chatham County; the discussion on the table included a portion of Orange County and Chatham County; that she along with Commissioner Gordon of Orange County asked the DCHC MPO for time to meet with their boards and she asked that the MPO staff come today to answer any questions that the Board might have.

Ben Howell, Planner, gave a brief overview as follows:

“The Durham Chapel Hill Carrboro Metropolitan Planning Organization (DCHC MPO) is the agency responsible for transportation planning in the urbanized area (based on US Census information) of Orange, Durham, and Chatham Counties (also referred to as the Metropolitan Area Boundary or MAB). The MAB is required to include, at a minimum, the Urbanized Area (UZA) based on the latest decennial Census. Currently, the MAB covers more than the UZA in Chatham County. The MPO is responsible for transportation planning in the northeastern portion of Chatham County as shown on the attached map. The Triangle Area Rural Planning Organization (TARPO) is responsible for transportation planning in the rest of the County. The MPO provides assistance with placing projects in the State Transportation Improvement Program, creates a Long Range Transportation Plan, a Comprehensive Transportation Plan, and administers the Congestion Mitigation and Air Quality (CMAQ) Program within the Metropolitan Area Boundary. TARPO provides assistance with placing projects in the State Transportation Improvement Program, works with DOT on the Comprehensive Transportation Plan for the County, as well as administers the CMAQ program in the four townships of Chatham County classified as non-attainment status by the US Environmental Protection Agency. The MPO is interested in extending the MAB in Chatham County as shown on the attached map.

According to the attached memo from the MPO staff, the MPO has been investigating expanding the MAB further into Chatham County since 2006. The memo also states that the MAB may be expanded by the 2010 Census, but the MPO is interested in expanding the boundary before the Census. To expand the boundary, according to the memo, the only approval required is that from the MPO Governing Board (the Technical Coordinating Committee), on which Chatham County has one voting representative. If the Boundary is expanded, it would take the area out of the TARPO jurisdiction, which would result in less CMAQ funds available to Chatham County through TARPO. Currently, TARPO splits the CMAQ funds it receives between Chatham County and Orange County based on population. The MPO uses a competitive process to select CMAQ projects, and generally receives more requests than they can fund.”

Ellen Beckmann, Transportation Planner, gave an overview of the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC-MPO), Metropolitan Area Boundary, expansion areas, effect of expansion, and next steps provided in a PowerPoint presentation.

Commissioner Kost stated that at the last meeting of the DCHC MPO TAC meeting, an MPO expansion of the planning jurisdictional boundaries within Chatham County was proposed. A decision was deferred to give time to allow feedback from the Chatham Board of Commissioners. She recapped the following points:

- The proposed expansion area is not urbanized. Competing for funding against an urbanized area would be difficult. Past history shows that Chatham has been more successful in the Rural Planning Organization (RPO) process.

- There is a fundamental disconnect in what is being proposed and the level of funding provided for Chatham County in the 2035 Long Range Transportation Plan. No road widening funds were included in this plan, yet, the MPO is considering expansion of the planning jurisdiction.
- Although the Chatham Board of Commissioners realizes that the weighted vote is not often used by the TAC, this weighted vote is outlined as the procedure to be followed in our Memorandum of Understanding. Because Chatham County has 1/15th of a vote, and Durham County/Durham City together make up a majority in the weighted vote, we feel that this weighted voting option puts us at an unfair disadvantage.
- Although there is no immediate impact on funding, future funding for the RPO would be reduced, thus, ultimately reducing the amount of funding for other projects in Chatham County.
- The Commissioners questioned how it is determined which MPO has jurisdiction. As an example, most of Cary is in the CAMPO MPO, although the area in Chatham (which already meets the density requirement) is in the DCHC MPO. We question does it make more sense for this area to be in CAMPO? This option should at least be looked at, with feedback from the Town of Cary as to how this area is best planned for and served.

She further stated that the Board's request to the MPO is that any consideration of expansion of the MPO be deferred until after the results of the 2010 census. At this time, we will not only have more data concerning density and development, but there will also be more certainty regarding the large proposed Preston development that is to be located just east and south of Pittsboro (approximately 7,500 acres have been assembled so far).

Commissioner Kost stated that she would draft a letter to the DCHC MPO with the points as noted and share it with the Board of Commissioners.

Commissioner Vanderbeck asked for an 8½ x 11" color copy of map in order to be able to reference it.

Chairman Lucier expressed appreciation for Ms. Beckman's presentation.

CLOSED SESSION

Commissioner Vanderbeck moved, seconded by Commissioner Thompson, to go into Closed Session for the purpose of discussing land acquisition. The motion carried five (5) to zero (0).

WORK SESSION

Commissioner Cross moved, seconded by Commissioner Thompson, to reconvene in the Work Session. The motion carried five (5) to zero (0).

BOARD OF COMMISSIONERS' MATTERS

Environmental Review Board Request:

Chairman Lucier stated that the Environmental Review Board wants to have a display at the Pittsboro Street Fair regarding global warming. He stated that they had asked if they should do it under the auspices of the Environmental Review Board or as individuals.

By consensus, the Board agreed to have staff put together a short presentation of the County's dealing with energy conservation, environmental protection, sustainability, etc.

Margie Ellison's Death:

Esther Coleman stated that the Human Relations Commission lost a valuable board member and its chair, Margie Ellison. She stated that their board has written a resolution in honor of Ms. Ellison, and asked that the Board of Commissioners adopting the resolution to be read at the Wednesday memorial service.

Commissioner Vanderbeck moved, seconded by Commissioner Cross, to adopt the **Human Relations Commission Resolution #2009-64 in Honor of CCHRC Chair Margie E. Ellison**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

MODEL FAIR HOUSING CIVIL RIGHTS ORDINANCE

Esther Coleman, Human Relations Director, gave an overview of developing a Fair Housing Civil Rights Ordinance in a PowerPoint presentation to the Board.

Ms. Coleman answered questions from the Board.

Heather Rodin reiterated that the first step would be to get enabling legislation from the State in order to adopt the ordinance.

After considerable discussion, by consensus, the Board gave the directive for the Human Relations Board, members of the Housing Authority, and Affordable Housing Advisory Board/Task Force, to meet with the County Attorney to draft enabling legislation to be returned to the Board of Commissioners for consideration.

SCHOOL SYSTEM CAPITAL PROJECTS

Renee Paschal, Assistant County Manager, explained that in Fiscal Years 2008 and 2009, Commissioners approved funding for school capital outlay by project. This requires both County and school system staff to track individual projects. If school officials wish to use amounts saved on one project for overages on another project, they must first request permission from Commissioners. In FY 2010, Commissioners approved lump-sum funding of school capital outlay. The school system is required to report quarterly on the status of projects, but can move money between projects without prior approval.

Currently the FY 2008 and FY 2009 capital outlay projects have a combined balance of \$432,220.10. According to County records, 5 of the FY 2008 projects have not been completed (or the balances have not been spent) and 18 of the FY 2009 projects have not been completed.

Because Commissioners have been willing to appropriate FY 2010 capital outlay on a lump-sum basis, staff is recommending that the same policy be applied to the past two years. This will accomplish a couple of things:

- First, it will reduce time and paperwork for county and school staff. Now, reimbursement requests are submitted monthly, must be reconciled by both county and school staff, and must be processed for payment.
- Second, this action will give the school system more flexibility to move funds between projects. With the requirement for quarterly reporting, however, they will be still be accountable for ensuring the projects have been completed.
- Amend the FY 2008 and FY 2009 budget ordinances so that the remainder of the FY 2008 and 2009 capital outlay funds to Chatham County Schools can be allocated on a monthly, lump-sum basis. At least quarterly, the school system will provide an update on the status of these projects and associated expenditures.

Commissioner Cross moved, seconded by Commissioner Thompson, to amend the FY 2008 and FY 2009 budget ordinances so that the remainder of the FY 2008 and 2009 capital outlay funds to Chatham County Schools can be allocated on a monthly, lump-sum

basis. At least quarterly, the school system will provide an update on the status of these projects and associated expenditures. The motion carried five (5) to zero (0).

QUALIFIED SCHOOL CONSTRUCTION BONDS (QSCB)

Vicki McConnell, Finance Officer, explained that there are only a few buyers for the qualified school construction bonds; that there are no banks in North Carolina buying these bonds at the present time; they are no longer interest-free but are issuing supplemental coupons around 1¼% which makes them less attractive than they once were; that the bonds will need to be issued by December 31st; that if there aren't any buyers, the money will be returned to the State and will be reallocated in 2010, but the County is not promised the same amount of reallocated money.

Commissioner Vanderbeck moved, seconded by Commissioner Cross, to set the public hearing for the Board of Commissioners meeting to be held on October 19, 2009. The motion carried five (5) to zero (0).

TRIANGLE AREA RURAL PLANNING ORGANIZATION CONGESTION MITIGATION AND AIR QUALITY FUNDS UPDATE

Ben Howell, Planner, gave a brief overview as follows:

“Chatham County is eligible for the Congestion Mitigation and Air Quality (CMAQ) program, which is administered by the NCDOT using federal funds. The goal of the program is to fund projects that will help the area come into compliance with air quality regulations. The program gives money to areas that are considered air quality non-attainment areas, of which the four townships of Baldwin, Center, New Hope and Williams in Chatham County are considered in non-attainment status for ozone. The funds are appropriated to the Rural Planning Organizations (RPOs) and Metropolitan Planning Organizations (MPOs) by the DOT. The Triangle Area Rural Planning Organization (TARPO) and NCDOT have begun the process of programming the CMAQ funds for fiscal years 2013 – 2017. TARPO is expected to have approximately \$859,000 to program for a portion of Orange County and four townships in Chatham County, and Chatham County is expected to have a target allocation of approximately \$91,305 for each fiscal year. Generally, Orange County and Chatham County split the TARPO CMAQ allocation proportionally, based on population. The NCDOT is requiring each project selected to have a minimum cost of \$100,000, but DOT staff have stated that lower-cost projects may be allowed if there is less than \$100,000 allocated or available. A minimum local cost match of 20% is also required for most projects. There are several types of projects CMAQ funds may be used for, including transit, bicycle/pedestrian, land use planning, high occupancy vehicle lanes and signal timing.

In the past, the County has allocated CMAQ funds to Chatham Transit Network for conversion of vehicles to diesel fuel and to the Town of Pittsboro for constructing a sidewalk on NC87 from US 64 Business to the new County Library on the Community College campus. For the 2013 – 2017 allocation, Chatham Transit Network (CTN) has submitted a request to TARPO to use \$120,000 to convert their vehicle fleet to use Propane fuel instead of Gasoline.

The Planning Department has been looking for other projects that may qualify for CMAQ funds for the 2013 – 2017 allocation. The Department discussed possible projects with the Town of Pittsboro and the County Parks and Recreation Department. The only project the Parks and Recreation Department mentioned is in the MPO planning area (thus ineligible for TARPO CMAQ funds), and the Town has indicated that they will not be requesting CMAQ funds from this allocation. NCDOT is requiring that completed applications be submitted for projects through the RPOs no later than October 30, 2009. If the TARPO allocation is not programmed this year, NCDOT will reallocate non-programmed funds throughout the state for programming in a later year.

If the County would like to submit a project for CMAQ funding in Federal Fiscal Years 2013 – 2017, a completed application would have to be submitted for endorsement by the Triangle Area Rural Planning Organization Technical Advisory Committee no later than October 21, 2009 (the TAC meets October 22, 2009).”

By consensus, the Board directed Mr. Howell, Planner to investigate using the CMAQ money to construct bike lanes on Highway #15-501 in Pittsboro from the Launis Street area to Northwood High School.

BUS STOP

The County Manager stated that he had given the information to the Pittsboro Town Manager and spoken with Reuben Blakely, NCDOT, and stating that staff is looking at some options regarding the bus stop, one of which is the old Welford Harris Ford location; and that he hopes to have some response to the alternates soon.

ECONOMIC DEVELOPMENT CORPORATION

The County Manager explained that the Economic Development Corporation is looking for \$150,000 to cover approximately six months of their fund-raising campaign; that the money typically begins coming in about the fifth month; that two banks (Fidelity and Capital) have expressed willingness to loan the money if they maintained a fund of that amount in the bank for the duration of the loan; and that they are requesting an advance of \$150,000 from a future payment of their current year funding, which they would deposit to collateralize the line of credit.

Commissioner Cross moved, seconded by Commissioner Thompson, to advance the \$150,000 to the Economic Development Commission for their capital fund raising program. The motion carried five (5) to zero (0).

CLOSED SESSION

Commissioner Cross moved, seconded by Commissioner Vanderbeck, to go out of the Work 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).

WORK SESSION

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

WATER LINE - HIGHWAY 42-22

The County Manager explained that Moore County wants to run a water line extension from High Falls Elementary School to the Chatham County water system; that they will pay for the complete installation and will purchase up to 25,000 gallons per day.

The Board discussed allowing other people in Chatham County to tap onto the line and what amount should the tap-on fee be set.

After considerable discussion and by consensus, the Board agreed to allow Chatham County citizens to tap onto the extension in Chatham County for the actual cost of the tap, which is to be determined.

ADJOURNMENT

Commissioner Cross moved, seconded by Commissioner Thompson, to adjourn the Work Session. The motion carried five (5) to zero (0), and the meeting was adjourned at 3:42 PM.

George Lucier, Chairman

ATTEST:

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