

**MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
WORK SESSION
FEBRUARY 01, 2010**

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 2:15 PM on February 01, 2010.

Present: Chair, Sally Kost; Vice Chair, George Lucier;
Commissioners Mike Cross, Carl Thompson,
and Tom Vanderbeck

Staff Members Present: Charlie Horne, County Manager; Jep Rose,
County Attorney; Renee Paschal, Assistant
County Manager; Vicki McConnell, Finance
Officer; Sandra B. Sublett, Clerk to the Board;
and Elizabeth Plata, Deputy Clerk to the Board

Agenda

1. **Planning Board Annual Report Presentation** by Planning Board Chair, Jim Hinkley
2. **Briar Chapel Master Plan Discussion of Revisions**
3. **Transportation Advisory Board Bylaws**
4. **Evaluation of Tree at the Law Enforcement Center**

CALL TO ORDER

The Chair called the Work Session to order at 2:22 PM. She explained that a report from the Environmental Review Board will replace Agenda Item #4, Evaluation of Tree at Law Enforcement Center.

PLANNING BOARD ANNUAL REPORT PRESENTATION

Jim Hinkley, Planning Board, presented the Chatham County Planning Board Annual Report. A copy of the report is attached in its entirety as follows:

**ANNUAL REPORT
Chatham County Planning Board
January 2010**

Introduction

This is a summary of the activities of the Chatham County Planning Board during 2009 prepared for the Board of Commissioners and the County Citizenry.

Meetings, Community Forums, Workshops and Public Hearings

The Planning Board held 10 regularly scheduled meetings during 2009. Because there were no decision-making matters for the Planning Board to consider in July and October, no regular meetings were held. The chair and/or vice chair attended two county inter-agency meetings and met for one meeting-planning luncheon. Members participated in: three joint Commissioner/Planning Member meetings on major corridor planning; three joint Cary/Chatham County planning sessions; and two new member training sessions. The chair attended 18 Commissioner meetings and 15 work sessions. The chair participated in presentations on Dry Creek and Robeson Creek. Members attended 11 public hearings on zoning and subdivision considerations conducted by the Board of Commissioners.

Regular Meeting, Special Meeting, Public Hearing Attendance*

Regular	Special**	Public Hearing	
Hinkley, Chair	10	10	11
Glick, V. Chair	8	6	7
Copeland	9	3	4
Elza	9	7	9
Ernst	6	4	3
Ford	9	3	7
Harrelson	7	3	6
Keim	8	4	7
Klarmann***	6	3	5
Levy	6	3	7
Sommers****	2	2	2
Turner	8	5	7

* According to Board Minutes and Planning Division Staff records

** Includes: Major Corridor, Joint Chatham-Cary, Interagency, 15-501 Sidewalk, Training and others

*** Resigned August 2009

**** New Member as of October 2009

Comments on Activities

- Decisions of the Planning Board in 2009 were made in accordance with the newly revised Chatham County Zoning Ordinance and Subdivision Regulations adopted by the County Board of Commissioners on December 1, 2008. Several existing development proposals already in the approval pipeline were not affected.
- Two new Planning Board appointees were welcomed by Chair Warren Glick; Jim Elza and Tim Keim attended their first meeting in January.
- In February Planning Board elections, Jim Hinkley was elected chair and Warren Glick vice chair. Glick served as chair after former chair Sally Kost was elected to the Board of County Commissioners in November 2008. Glick decided not to continue as chair but offered to serve as vice chair. Commissioner Kost continued in service to the Board in a BOC liaison capacity to the Planning Board.

- The Planning Board continued its work in close relation with the Environmental Review Board. Where called for, environmental review became an important aspect in deliberations on subdivision requests.
- In zoning requests, a closer relationship with the Appearance Commission began, and its recommendations began to be emphasized in Board deliberations.
- In March, Tom Glendinning, a professional parliamentarian, was appointed by the chair to serve in a pro bono capacity with the Planning Board.
- Resulting from the economic slowdown, a number of extensions of plat expiration requests were made during the first six months of 2009.
- In July, the North Carolina General Assembly addressed the development slowdown situation by passing the Permit Extension Act of 2009. This act extended approval times affecting the development of real property. In effect, the permit clock was stopped for developments in the pipeline from January 1, 2008 until December 31, 2010. Some 25 subdivisions in the county were affected. Development requests to the Planning Board slowed greatly. As a result, the Board did not meet in July and October when no development requests requiring board action were presented.
- Newly appointed member Bill Somers met with the Planning Board for the first time in November 2009. Somers replaced David Klarmann who resigned from the Planning Board in September 2009.

* * *

Applications for zoning and subdivisions have slowed considerably since the passage of the Permit Extension Act of July 2009 by the General Assembly.

There were 72 minor subdivisions [5 residential lots or fewer] totaling 164 acres approved by the Planning Department staff in 2009.

New challenges were presented to the Planning Board at its November meeting by County Commission Chair George Lucier. He called for plans to be updated for economic development, farmland preservation, recreation, conservation, and affordable housing. He called for the Planning Board to establish a subcommittee to be involved with representatives of these other plans. This charge has been assigned to the Sustainable Communities Development Director, Cynthia Van Der Wiele, to address this task and present recommendations to the Board of Commissioners.

Respectfully submitted,

James R. Hinkley, AICP, CZO
Chair

Mr. Hinkley stated that it has been an honor and a great opportunity to serve the County in this capacity; that he is stepping down at the next meeting and there will be two new leaders for the Planning Board; that Warren Glick, Vice-Chair of the Planning Board, and he have been leading the Planning Board over the months; and that they feel that they have had a very successful year.

Chair Kost thanked Mr. Hinkley for his service on the Planning Board stating that he had also attended a lot of Board of Commissioners' meetings where the items on which the Planning Board had made recommendations were discussed; that their dialogue had helped them in their decision-making process; and she personally thanks him for his leadership during the past year.

Commissioner Lucier concurred with Chair Kost's comments stating that it is not an easy job; that a lot of things get put on the Planning Board with a lot of public scrutiny; that it is frequently done under strict time frames and the Board of Commissioners relies heavily on those recommendations; and that he appreciates the extra effort in chairing that board.

Commissioner Thompson thanked Mr. Hinkley for his sacrifice; that Mr. Hinkley has been involved in planning efforts in the then past; that he was also involved years prior when he first served as County Commissioner; that Mr. Hinkley was his appointment to the Planning Board during this term and former Commissioner Dunlap's appointment to the Planning Board; and that he has been a mainstay in Chatham County.

Commissioner Vanderbeck stated that Mr. Hinkley also remains active in the Town of Pittsboro trying to shape their efforts and he appreciates all of his efforts.

BRIAR CHAPEL MASTER PLAN DISCUSSION OF REVISIONS

Jason Sullivan, Acting Planning Director, reviewed revisions submitted for preliminary plat approval and explained the conditional use permit for Briar Chapel as follows:

The conditional use permit for Briar Chapel was approved in 2005 and development has been on-going since that time. At the time of the drafting of these notes the board had given final plat approval to 327 lots and 65 lots were pending for final approval on the January 19, 2010 Commissioners' Agenda. In October 2006, the first preliminary plat was approved by the Board of Commissioners for Phase 4 and the layout was substantially in compliance with the master plan, although there were some deviations. Since the time of approval of the Phase 4 preliminary plat and subsequent final plat approvals, Briar Chapel has requested re-platting several of these areas to increase the number of lots in Phase 4 (not an increase in the total number of approved lots for the project). In August 2009, the Board approved a revision in a previously platted area to increase the number of lots by 12. A preliminary plat for Phase 5, Section 1 was approved by the Board in June 2009 and a final plat was before the board for approval at the January 19, 2009 meeting. The number of lots in this phase did not match the number of lots shown on the master plan. Newland Communities representatives have also indicated that additional changes will probably be considered in the future as the market demand for different housing types changes. Based on the currently approved master plan and possible revisions that may be requested, staff needs guidance from the Board of Commissioners on how to process these types of requests.

The approval of the conditional use permit and accompanying master plan for Briar Chapel in 2005 also served as the sketch design approval under the Subdivision Regulations in effect prior to December 2008. Section 4.7(2) includes the following - "The preliminary plat shall conform significantly with the sketch design plan." In the past, staff has interpreted this to mean that deviations from the sketch plan are allowed, however there is no set standard as to what is a significant change. In 2009, the Board was presented with several requests for modifications to conditional use permits and there was some concern expressed about previously approved administrative modifications by staff on those permits. As Newland Communities considers additional modifications to the layout of Briar Chapel, staff thinks it would be beneficial to outline a process for the board to consider these modifications. As referenced in the introduction & background, phase 5, section 1 was submitted with an increase of two lots from the master plan/sketch plan. An application for preliminary plat approval of phase 5, section 2 has been submitted for review with a total of 32 lots and the master plan shows 12 for an increase of 20 lots. Newland Communities is considering requesting an increase in the number of lots in phase 4 by 37 and needs direction on how to proceed with requesting the modification.

There are several options available for the Board to discuss on how the revisions can be handled. First, staff could review requests for modifications to the master plan/sketch plan and approve them and allow Newland Communities to submit preliminary and final plats based on the administrative change. Second, any change can be required to be processed as an amendment to the conditional use permit. Third, the conditional use permit for Briar Chapel may provide the board the flexibility to approve modifications through the subdivision process. Conditions 18 and 19 have provisions that appear to allow for lot modifications to be submitted to the Board as part of the subdivision review process. The last sentence of condition 18 reads "Such subdivision review may allow modifications of the master site plan approved hereunder so long as not substantially inconsistent with this permit." It is not entirely clear if this sentence is modifying the previous sentence in the condition, which deals with non-residential subdivision lots. Condition 19 reads as follows, "If desired, the applicant may construct the project in stages or phases. Each such stage shall be subject to approval by the County pursuant to its subdivision regulations. No final plat of a stage or phase of the development shall be approved if there is any uncorrected violation of any provision of this permit. Upon subdivision review of each phase, the applicable Recreation and Open Space Community Facilities, Community Design, including housing, standards of the Compact Community Ordinance provisions shall be satisfied. Such subdivision review may allow mutually agreeable modification of the standards referred to therein so long as not substantially inconsistent therewith. For each phase, a Zoning Determination Permit, as used elsewhere in this resolution, shall be issued by the Planning Department on a phase-by-phase basis, prior to the issuance of any building permit for structures in that phase." Staff thinks this condition allows for the Board to approve modifications to the master plan/sketch plan as part of the subdivision review process, as long as the modification is substantially in compliance with the conditional use permit.

Gray Styers, attorney, stated that in the fifteen year project, that the initial master plan is really a concept plan; that it shows where lot lines can be laid out to create a development of 2,389 lots; that they would never change the number of lots as it is specifically specified; that the following items are set, including the impervious surface, the buffers, environmental impacts, the primary roads that provide the connectivity and connections to Mann's Chapel, Andrews Store, and 15-501 which are part of the project; that within the community (at the time this was drafted), the attorneys involved understood that there were inevitably going to be changes over fifteen years; that is why conditions 18 and 19 were drafted with much legalese as is there; that the layout has not changed; however, some lot lines have changed; that they have found that buyers are looking for smaller lots; that Briar Chapel is working hard to create a community that will attract management executive employees; that they also have to be sensitive to the demands of those who are looking to buy houses; that that will mean that over fifteen years, they will be using their best marketing expertise and knowledge to development projects all over the country and specifically looking at the demand in Chatham County and subdivide the lot lines in a way that they think will be the most attractive arrangement of lots interior to the community; that what is important is that they don't change the environmental impacts; that they are marketing it to try to use the land and the environmental characteristics of the land as part of their project; that they are getting a better handle on that as they are engineering the different phases; that they had no idea in 2005 what the characteristics of the land and environmental market would be; that they have now engineered specific layouts that will not change the roads; that the program for the project, described in 2005, using the characteristics of the land as the feature of the project (stream buffers, perimeter buffers, open space, and avoiding the open space and tree buffers) has not changed; that they are going to inevitably be arranging the lot lines to meet the market demands; that it is a challenging time to be developing a project of this size; that they knew they would need the flexibility in 2005 which is why they worded the conditions as they did; that the Board gets to look at the subdivision requests prior to approval; that it is helpful for the acting planning director to have some guidance to tell them that it looks like the same project; that they have modified lot lines every time they have come to the Board for subdivision approvals; that they are now adding some additional lots as they are decreasing the lot lines in certain sections; that some things would not change, including the 2,389 total lots in the development; that they will either have to make the later stages of lots larger or getting some additional open space; and they appreciate the flexibility to develop a successful project.

Commissioner Vanderbeck stated that he appreciates the opportunity for clarification. He asked the County Attorney's opinion on the section 18 and/or 19 and if the language gives the Board legal latitude to review the changes as they come to the Board.

The County Attorney stated that the wording is "mutually agreeable"; that if both sides agree that this kind of change is contemplated, then you go forward.

Commissioner Vanderbeck stated that he would agree with the flexibility to take advantage of this market but that they reserve the right to review changes as a Board.

Commissioner Lucier stated that he concurs with Commissioner Vanderbeck; that the total number of lots remains at 2,389 lots and the stream buffer requirements will not change; that when internal changes occur, that it is less of an issue than if they occur at the boundaries where people who abut those properties may have had some concerns; and that he thinks what they are doing is what they should be doing as market conditions have changed, they are now shifting the emphasis to more moderate priced housing, and the only outcome would perhaps be additional open space, which he supports; that when the Margaret Pollard Middle School opens, teachers might be able to afford to purchase houses in there; and that he thinks that would be a good thing. He also commended Newland/Briar Chapel on their green building initiatives, involving the community, and the paying of higher school impact fees. He stated that he felt that they should set up a procedure with the acting planning director with which everyone is comfortable.

Chair Kost echoed those sentiments stating that she agrees that lots will have to be adjusted; that if a lot is on the exterior abutting another property, she thinks the Board would need to review it; that she is not interested in reviewing every line change on the map as they will have to have some flexibility; that it is important to have affordable housing in every aspect of the community. She stated that she is not interested in option #2; and that she is unsure under option #1 and #3 how they could make it happen.

Mr. Styers stated that he was open to suggestions to working with the acting planning director; that he thinks staff can give them a positive indication that it is something they could support; and that it would still come to the Board under the ordinary course of a final or a final plat amendment.

Mr. Sullivan explained that Briar Chapel had submitted a letter that accompanies the application spelling out there are some changes that they need to be substantially in compliance; that it does lay it out in order for staff to be able to review it as well as the Planning Board and Board of Commissioners to be able to review it and make sure that everyone is in agreement; that he is comfortable saying that, from a staff perspective, there may be some times when they would say it may be better to submit a request for a revision to the sketch plan; that it still goes through the subdivision process but it would be a lot less costly for them to be able to do it since they would have an overall drawing but not the overall permitting associated with it; and that it still brings it before the Board for consideration and approval.

Mr. Styers emphasized that Newland is not a builder; that they develop communities; that they have on-going discussions with the local builders who are building these homes and ultimately selling them; that they know they have to have to protect the stream buffers and having the stream buffers in place gives them comfort so that they don't end up with something that can't be sold; that they are trying to react and find workable solutions for the builders and commercial tenants.

Chair Kost asked if they were referring to using the old sketch to preliminary and not preliminary to final. Mr. Styers replied that was correct.

Chair Kost asked the Board, with the guidance they are giving staff at this point, is understanding and recognizing this flexibility and to work out a process with which everyone is comfortable.

Commissioner Lucier stated that they had stated what was important to them, but it is important that they give flexibility and latitude to address market conditions.

By consensus, everyone agreed. Chair Kost asked Mr. Sullivan if he would work out a process based on the Board's comments.

Mr. Sullivan stated that he now had good direction for the item they have pending before the Planning Board; that they did not make a recommendation as staff as they wanted to hear the discussion of the Board of Commissioners; that they will come forward now making a recommendation at tomorrow night's Planning Board meeting based on what was submitted; that for the re-platting of Phase 4, he understands that they can submit a request for a revision to the final plat for that phase and bring it to the normal process which will bring it back to the Board of Commissioners; that as it moves forward on future phases, that as staff looks at it, if they start to see major changes from the layout, then they will advise them that they need to come back for a revision to the sketch plan.

Mr. Sullivan further stated that an amendment to the conditional use permit is more difficult and this is a somewhat simpler process to move through but when it comes before the Board, the Board can say if it is substantial or not.

TRANSPORTATION ADVISORY BOARD BYLAWS

Melissa Guilbeau, Sustainable Transportation Planner, stated that one of the goals of the Board of Commissioners is the creation of a Transportation Advisory Board (TAB). The Board was presented with draft bylaws for a TAB at their January 19, 2010 Work Session. Staff has made the requested modifications to the draft bylaws, Options A and B.

Ms. Guilbeau explained both options and their similarities, the changes from the previous draft, the pros and cons of the proposed membership, specifically the voting members, and staff's recommendation.

Chair Kost stated that if the Board was to select Option B, she would like to have language stating they if they couldn't find someone from a particular Commissioner's district, that they have the flexibility to fill the position from a different district.

Jeffrey Starkweather stated that that language was there in another location.

Ms. Guilbeau answered questions and received clarifications from the Board.

Commissioner Vanderbeck moved, seconded by Commissioner Lucier, to approve the Transportation Advisory Board Bylaws, Option B.

Commissioner Thompson commended Ms. Guilbeau for incorporating the suggested changes from the last Board meeting. He questioned the language in the Purpose, Section 1, iii, which stated, "including but not limited to the identification and prioritization of specific projects for inclusion in the Transportation Improvement Program or road paving priorities". He stated that at some point, when we start to develop our priorities that are specific to making recommendations to the Transportation Improvement Program or road paving priorities, we need to be careful as the Department of Transportation (DOT) actually does that now with a system in place where they prioritize the paving of roads in Chatham County and will continue to do that; that the question in his mind becomes then that the citizens in Chatham County become sensitive to their applications for road paving, their location, and prioritization; that if the Board is making paving and prioritization recommendations, they need to be extremely with regard to criteria used; that if the Board of Commissioners adopt the road paving priorities and DOT give credence to it, and then there is a change, they will have to be in a position to justify their decision.

Commissioner Vanderbeck stated that it was his understanding that the advisory board would still have to come to their respective board member, not only the Commissioners who represent the advisory board on the Triangle Area Rural Planning Organization and the Metropolitan Planning Organization, and they would weigh it and keeping in mind that the DOT does use a certain method in their prioritization.

Commissioner Thompson concurred stating that if they agree with the recommendation, they would have to justify it as well.

Commissioner Lucier stated that it is his understanding, that the priorities are presented to the Board of Commissioners by DOT and it is up to them to question them; that in his mind, if there is a Transportation Advisory Board, they should be giving the Board of Commissioners some input as to their response to DOT once DOT formally asks for a response; that they are now asked to comment on the prioritization and he has often felt unprepared to respond to DOT as he would much rather have-in-hand thoughts from the Transportation Advisory Board who is charged with giving the Board advice on matters of this kind.

Commissioner Thompson in past, DOT has used its criteria without a lot of Board of Commissioners' input.

Commissioner Lucier stated that there may be some question as to the application of those criteria and that he hopes the Transportation Advisory Board will be skilled enough to apply the criteria for consideration of a final decision.

Commissioner Thompson stated that he hopes that they will make sure that the criteria is established whereby when they make a recommendation, if the Board of Commissioners' prioritization is different from the Department of Transportation's prioritization, there has to be justification from the Board of Commissioners' perspective as there will be citizens will question the changes.

Chair Kost called the question. The motion carried five (5) to zero (0).

The Transportation Advisory Board Bylaws are as follows:

**BYLAWS
OF
CHATHAM COUNTY TRANSPORTATION ADVISORY BOARD**

Article I
ORGANIZATION

Section 1. Name: The name of this organization shall be the "Chatham County Transportation Advisory Board" (TAB).

Article II
PURPOSE

Section 1. Purpose: The purpose of the TAB is to identify, study and make recommendations to the Chatham County Board of Commissioners (BOC) on transportation and closely related issues in pursuit of a sustainable, multi-modal transportation system that provides mobility and access for people and goods. The TAB will serve Chatham County in the following capacities, at a minimum:

- i. Serve as the Transportation Advisory Board for the State's Comprehensive Transportation Plan for the County
- ii. Be involved in the update or creation of the County's comprehensive plan, predominantly the transportation element, but also other elements that are impacted by or have an impact on transportation
- iii. Work with state and regional transportation planning groups, specifically the North Carolina Department of Transportation, the Triangle Area Rural Planning Organization and the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization, on the update or creation of transportation plans or programs, including but not limited to the identification and prioritization of specific projects for inclusion in the Transportation Improvement Program or road paving priorities

- iv. Review development proposals, including traffic impact analyses when available, and make recommendations related to transportation
- v. Review and provide feedback to the BOC on transportation related legislative issues
- vi. Act as a public forum for discussion of transportation and closely related issues

Article III

MEMBERS

Section 1. Number and Composition: The TAB shall be composed of seventeen (17) members – eleven (11) voting members and six (6) non-voting members, as described below:

- i. Voting members (11) must reside within Chatham County and shall represent one or more of the user groups or issue areas listed below, with each user group and issue area being represented by at least one (1) voting member, to the greatest extent practical. Each voting member shall also represent the Commissioner district in which he or she resides, with at least one (1) voting member residing within each Commissioner district, to the greatest extent practical, to ensure equitable geographic representation.
 - a. User groups:
 - i) Non-motorized, which may include, but is not limited to, pedestrians or bicyclists
 - ii) Public transportation, which may include, but is not limited to, bus riders or paratransit riders
 - iii) Personal motor vehicles, which may include, but is not limited to, automobile drivers or passengers
 - iv) Large, slow-moving or commercial vehicles, which may include, but is not limited to, truckers or agriculture
 - v) Public safety, which may include, but is not limited to, emergency responders or street sweepers
 - b. Issue areas:
 - i) Economic, which may represent issues such as, but not restricted to, traffic congestion, infrastructure costs, consumer costs, mobility barriers, accident damages, or depletion of non-renewable resources
 - ii) Environment, which may represent issues such as, but not restricted to, air and water pollution, habitat loss, hydrologic impacts, or depletion of non-renewable resources
 - iii) Social, which may represent issues such as, but not restricted to, equity or fairness, mobility disadvantaged, human health impacts, community interaction, community livability, or aesthetics
- ii. Non-voting members (6) shall consist of the following:
 - a. Municipal managers or commissioners, or their delegates, from:
 - i) Chatham County (1)
 - ii) Town of Cary (1)
 - iii) Town of Goldston (1)
 - iv) Town of Pittsboro (1)
 - v) Town of Siler City (1)
 - b. Chatham Transit Network staff (1)

Section 2. Appointment, Qualifications and Terms:

- i. Appointment: All voting members of the TAB shall be appointed by the BOC from a roster of candidates who have completed the formal application and review process conducted by the TAB and the BOC. All non-voting members shall be appointed by their respective entities.
- ii. Qualifications: Voting members must submit an application, demonstrate in writing how they represent the user group(s) and/or issue area(s) for which they are applying, and disclose which Commissioner district in which they reside.

- iii. Terms: Terms shall be for four (4) years. Vacancies resulting from a cause other than expiration of the term shall be filled only for the unexpired portion of that term. Voting members are eligible for no more than two (2) consecutive four (4) year terms.

Initially, voting members shall be appointed to terms of either two or four years, with the intent that approximately one-half of the voting members' terms shall expire every two years. The initial term expiration dates shall be December 2011 for five (5) of the voting members and December 2013 for six (6) of the voting members, with the determination made by lottery at the first regular meeting.

- iv. Removal: Failure to attend three (3) consecutive regular meetings or any four (4) regular meetings during a twelve (12) month period shall be grounds for removal of a member of the TAB by the BOC on recommendation of the Executive Committee.
- v. Appointments for vacancies due to removal or resignation: Vacancies resulting from either removal or resignation shall be filled in accordance with Section 2 of Article III.

Article IV

OFFICERS

Section 1. Officers of the Board: The officers of the TAB shall consist of a Chair of the Board and a Vice-Chair of the Board, and other officers as the TAB may from time to time elect. All officers shall first be voting members.

- i. Chair of the Board: The Chair of the Board shall preside at all meetings of the TAB. The Chair shall perform such other duties as may be directed by the TAB from time to time and shall have any authority delegated by the TAB, as necessary.
- ii. Vice-Chair of the Board: The Vice-Chair of the Board shall perform such duties as from time to time may be assigned by the Chair of the Board or the TAB, and shall serve as the Chair in the Chair's absence, disability or resignation.

Section 2. Elections: Officers shall be elected at the first regular meeting of each year by a majority of the voting members.

Section 3. Terms: Terms shall be approximately one (1) year, which shall begin upon election at the first regular meeting and shall end with the election of new officers the following year, unless reelected. No member shall hold the same office for more than two (2) terms.

Article V

COMMITTEES

Section 1. Executive Committee: The Executive Committee shall consist of no less than three (3) but no more than five (5) voting members and shall include the Chair, Vice-Chair, and the immediate past Chair (who must be a current member), or other designated persons. All business transacted by the Executive Committee shall be reported to the TAB membership. The Executive Committee may provide guidance in the development of strategic plans and annual objectives during regular TAB meetings; recommend changes in the bylaws to be considered by the TAB; and/or make other transportation policy recommendations to the members.

Section 2. Formation of Ad Hoc Committees: The TAB shall establish other committees as deemed necessary and appoint any members or appropriate non-members to carry out the charges for which the committee was formed.

Article VI

MEETINGS

Section 1. Rules of Order: All meetings shall be conducted generally in accordance with the latest edition of Robert's Rules of Order.

- Section 2. Place of Meetings: All meetings shall be held at a place designated by the Chair of the Board in the notice of the meeting.
- Section 3. Notice of Meetings: Written notice stating the time and place of a meeting of the TAB, other than regular, Executive Committee or other similar meetings, shall be made available to the general public and delivered to all members of the TAB not less than ten (10) nor more than sixty (60) days before the date of any meeting, via any means ensuring receipt of such notice, by or at the direction of the Chair of the Board or other person(s) calling the meeting. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail with postage thereon prepaid.
- In the case of a special meeting, the notice of meeting shall specifically state the purpose or purposes for which the meeting is called; but, in the case of a regular scheduled meeting or substitute meeting, the notice of meeting need not specifically state the business to be transacted, unless required by law.
- Section 4. Open Meetings: All official meetings including all the committees, subcommittees, and task forces of the TAB shall be in compliance with the Open Meetings Law of North Carolina (North Carolina General Statutes 143-318.10-18). Individuals and/or groups who wish to make presentations should request time on the agenda from the Chair of the Board prior to the call of order.
- Section 5. Regular Meetings: The TAB shall meet, at a minimum, ten (10) times per year or fraction thereof, with the specific dates, times, and locations of the meetings to be determined by the Board on an annual basis and made available to the general public, including posting on the County website location for the TAB. Regular meetings of the TAB shall be held without other notice than these bylaws and requirements of the Open Meetings Law of North Carolina (North Carolina General Statutes 143-318.10-18).
- Section 6. Special Meetings: Special meetings of the TAB may be called by or at the request of the Chair of the Board, or any three members.
- Section 7. Quorum: A quorum shall equal a majority of the voting members. If less than a majority of voting members is present at a meeting, a majority of the voting members present may adjourn the meeting without further notice.
- Section 8. Board Action: All actions, unless otherwise specified herein, shall be decided by a majority vote of the voting members present where a quorum was established.
- Section 9. Absentee or Proxy Voting: No absentee or proxy voting will be allowed.
- Section 10. Minutes: Minutes shall be taken by County staff or a TAB member that may be assigned by the Chair of the Board from time to time.

Article VII

STANDARDS OF CONDUCT

- Section 1. Conduct: In conducting TAB business, members shall recognize and follow policies and guidelines established by the County Commissioners. Should a member violate these policies or guidelines, the TAB may ask the member to resign or recommend to the BOC that such member be removed.

Article VIII

AMENDMENTS

- Section 1. Amendments: Recommendations to amend or repeal bylaws may be adopted at a regular or special meeting by the affirmation vote of two-thirds (2/3) of the voting members, providing that the amendment or new bylaws have been submitted in writing or electronically to the

voting members not less than two (2) weeks prior to the meeting. All proposed amendments or a repeal of the bylaws must be approved by the BOC.

ENVIRONMENTAL REVIEW BOARD

Fred Royal, addressed the Environmental Review Board comments as follows for Board of Commissioners consideration:

Background and Discussion

On November 20, 2008 and again on April 17, 2009, the Environmental Review Board (ERB) submitted comments to the Board of Commissioners concerning the WWRWM Draft EIS. In the November 2008 and April 2009 documents, the ERB noted concerns which included that the County was not a part of the MOU, even though there are proposed significant impacts in Chatham County (*approximately 9 mile long effluent line at 52" in diameter and bank discharge facility on the Cape Fear River below Buckhorn Dam*), there was a lack of detailed information of the Secondary and Cumulative Impacts (SIC) and mitigation of impacted surface waters in Chatham County, and of the use of census data in the draft EIS.

Upon a third review of the draft EIS, the ERB has the following comments for Board of Commissioners consideration:

1. Appendix K, Proposed Mitigation Plan includes compensatory mitigation activities only in Wake County and based on surface water impacts (streams and wetlands). According to the draft the Environmental Impact Statement (EIS), the proposed effluent line (52" diameter) and the proposed bank discharge facility (Cape Fear River below Buckhorn Dam) will cause the following permanent and temporary impacts in Chatham County:
 - a. 87 lf of permanent (395 lf temporary) impacts to perennial streams.
 - b. 75 feet of permanent (247 temporary) impacts to intermittent streams.
 - c. 0.05 acres of permanent (0.16 acres temporary) impacts wetlands.
 - d. The effluent line and the outfall at Cape Fear River will combine to impact 1.8 acres of wetlands and 400 lf of streams.

Based on our understanding of the documents, neither the draft EIS nor the (*Appendix K*) Proposed Mitigation Plan includes any mitigation activities in Chatham County to offset these impacts. We believe that compensatory mitigation activities should occur in Chatham County as is similarly required by the unavoidable surface water impacts in Wake County. We note that Appendix K includes the NC Ecosystem Enhancement Program (EEP) acceptance of mitigation funds (fee in lieu) for stream and wetland impacts in Wake County only. We further believe that the ratio of the required mitigation (eg., 1:1, 2:1 3:1) should be based on an accurate assessment of the quality of the impacted streams and wetlands in Chatham County.

The ERB therefore recommends that the Board of Commissioners requests a thorough review of the pending 404 Individual Permit to be issued by the US Army Corps of Engineers and that this permit includes compensatory mitigation activities in Chatham County based on the proposed unavoidable impacts noted in the Draft EIS.

2. Minimize impacts to game lands by using existing rights-of-way to the maximum extent possible and replanting all land disturbance only with native species to maintain or improve wildlife habitat and water quality.
3. Regarding stream and wetland impacts, we recommend that trenchless technology (directional bore) is used whenever possible to avoid impacts to streams and wetlands.

4. The US Army Corps of Engineers and the NC Division of Water Quality should provide the Chatham County Board of Commissioners with all pertinent and up-dated permitting correspondence, environmental documentation (as described in the draft EIS) and associated maps and details sufficient for a thorough review.
5. All land disturbing activities in Chatham County should fall under the jurisdiction of the Chatham County Sedimentation and Erosion Control Ordinance. This generally includes but is not limited to: permit applications and associated fees, plan reviews, permits and inspections until close-out.
6. Specific details impacting Chatham County or potentially impacting Chatham County on management of sewage sludge residue produced by the proposed waste water treatment plant should be included in the draft EIS. Management of the sewage sludge, whether through land application or incineration, could have an impact on the environmental and public health of Chatham County citizens.

Conclusion

The Environmental Review Board recommends that the Board of Commissioners makes a strong statement that the impacts in Chatham County resulting from the 9-mile long, 52" diameter effluent line and the bank discharge facility at the Cape Fear River below Buckhorn Dam are significant and require proper mitigation in Chatham County. As such, all pertinent environmental documentation, including but not limited to 404 permit documents, be provided to Chatham County Board of Commissioners for a thorough review. In addition, all land disturbing activities in Chatham County should fall under the jurisdiction of Chatham County and adhere to the Chatham County Sedimentation and Erosion Control Ordinance. The ERB also recommends to the Board of Commissioners that sewage sludge management associated with the proposed waste water treatment plant be addressed in the final EIS.

Mr. Royal addressed concerns and answered questions from the Board.

Commissioner Lucier commended Mr. Royal and the Environmental Review Board for preparing their work on such short notice. He stated that he would like to have the "sewage sludge" statements reworded (#6) and they do not need to represent the New Hill folks on the environmental justice issue (#7), but that he thinks it is legitimate to raise the issue for Chatham County. He asked that in the conclusion, it be reworded to include what they are talking about in those areas referring to Chatham County issues.

Commissioner Lucier moved, seconded by Commissioner Cross, to make modifications as discussed and to allow the Chair to evaluate the recommendations and forward to the US Army Corps of Engineers by the Tuesday, February 09, 2010 deadline.

Chair Kost thanked Mr. Royal and called the question. The motion carried five (5) to zero (0).

ADJOURNMENT

Commissioner Vanderbeck moved, seconded by Commissioner Thompson, to adjourn the Work Session and convene as the Zoning Board of Adjustment. The motion carried five (5) to zero (0).

Sally Kost, Chair

ATTEST:

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