

**MINUTES**  
**CHATHAM COUNTY BOARD OF COMMISSIONERS**  
**WORK SESSION**  
**FEBRUARY 21, 2011**

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The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met in the Central Carolina Community Library, 197 Highway 87 North, located in Pittsboro, North Carolina, at 2:30 PM on February 21, 2011.

Present: Chairman Brian Bock; Vice Chair Walter Petty; Commissioners Mike Cross, Sally Kost, and Pamela Stewart

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

*Work Session*

The Chair called the Work Session to order at 2:32 PM.

1. **Public Input Session**
2. **Employees of the Month:** Presentation of the February 2011 Employees of the Month
3. **Comprehensive Transportation Plan (CTP):** Presentation by the North Carolina Department of Transportation on a proposed Comprehensive Transportation Plan (CTP). Staff is requesting guidance from the Board on whether or not to proceed with a Chatham County CTP, as required by the North Carolina Department of Transportation
4. **Metropolitan Planning Organization Board of Commissioners Member Appointment:** The Board will be discussing a possible appointee for the MPO.
5. **Transportation Improvement Plan for Pittsboro Board of Commissioners Member Appointment:** The Board of Commissioners will be considering whether to appoint a Board member to this group.
6. **Soil Erosion and Sedimentation Control Ordinance Revision:** Discussion of the Soil Erosion and Sedimentation Control Ordinance and the need for amendments since the last time the ordinance was revised on December 2, 2008
7. **Discussion on LEED Certification:** The Board of Commissioners will discuss LEEDS certification as it relates to county construction projects. As part of the discussion, Paul Konove, Chair of the County’s Green Building Advisory Committee will make a brief presentation.
8. **Discussion on Copper from Old Courthouse:** The value of copper retrieve from the courthouse fire is estimated to be worth about \$40,000. The board will be discussing how best to utilize the copper.
9. **Western Wake Partners Discussion** – No action to be taken.
10. **Northeast Park Conservation Easement:** Approval of a request to allow construction, maintenance and use of a mountain bike trail within the 15.3 acre conservation
11. **Closed Session to Discuss Personnel**

## **PUBLIC INPUT SESSION**

**Patrick Barnes, IV**, 1150 Chicken Bridge Road, Pittsboro, NC, provided the following statement:

“Everyone is stuck on yes or no, but what would the Western Wake Partners do if the Commissioners voted to delay for 90 days until full public input from Chatham has been heard. Could the Western Wake Partners get an imminent domain resolution through the State Legislature in 90 days? No. When is the meeting of the next Commissioners that hears the input from the PDDT. A vote to delay shows the Commissioners are serious about concessions for Chatham and gives them some time to mend fences with constituents. Right now the silence from Western Wake Partners is deafening, so they are bluffing hoping make the BOC fold and not have to seriously come to the table, or they plan on forcing this to imminent domain so they can pay as little attention as possible anyway. The law only states what happens if no or yes is given. It doesn’t say what happens if neither is said. So, delay, and see who blinks first.”

Mr. Barnes provided the Board with a series of emails that a number of individuals had sent out, and he was providing those as a means to verify that the Board had received those emails in reference to this topic. He said with the help of Randy Voller he had also started a petition to, for the time being, oppose the Western Wake Partners’ request for an easement.

## **EMPLOYEES OF THE MONTH**

Carolyn Miller, Human Relations Director, presented the February 2011 Employees of the Month, Treva Seagroves and her staff, Veta Brown, Assistant Register of Deeds, Peppi Eliason, Assistant Register of Deeds, Vicky Scott, Assistant Register of Deeds, and Jo Ann Thomas, Assistant Register of Deeds, in the Register of Deeds Office. Combined, they have worked for Chatham County for nearly fifty years. An excerpt from their nomination form follows:

“Treva and her staff were of tremendous assistance to me and my family recently. On 12/16/10, Treva personally called a relative that was upset at how some things were handled, and calmed her down and explained to her what was going on. That same day, after working through an especially difficult family matter regarding the division of land, I arrived at the Register of Deeds Office at 4:00 pm, along with my attorney. We had 20 deeds that had to be recorded that day. Treva and her staff stayed until 7:00 pm to insure that our items were recorded. In fact, they assisted other customers that were rushing in at the end of the day as well.

Treva and her staff epitomize what customer service is, and are always helpful and smiling, and clearly go out of their way to help every citizens that walks through the door.”

Congratulations to Treva, Veta, Peppi, Vicky and Jo Ann!

Chairman Bock said the fact that citizens went out of their way to say something was good told him that it was better than good and better than excellent, because it was easy for people to complain when something was not right but when it went well they walked away happy. He said for the citizens to go that extra step indicated that the recognition was truly deserved.

Treva Seagroves, Chatham County Register of Deeds, said it meant a lot to get the Employees of the Month, but it also meant a lot that they were nominated by the citizens because they were there to serve the public and they tried to help everyone anytime they could.

## **COMPREHENSIVE TRANSPORTATION PLAN**

The County Manager introduced Brendan Merithew who would make the presentation.

Brendan Merithew with the NC Department of Transportation and a member of the Triangle Planning Group, stated that they were proposing that the County engage in a Comprehensive Transportation Plan with the NC Department of Transportation. The CTP was something that had been needed by the County since at least 1996 and going back to 1983. The last plan was completed in 1996 but was not adopted due to an issue associated with the Jack

Bennett Road extension which he did not believe would now be an issue. Mr. Merithew then provided a PowerPoint presentation as follows:

#### What is a Comprehensive Transportation Plan (CTP)?

- Long-range planning – 25 to 30 years
- Multimodal – highway, rail, transit, bike and pedestrian
- Cooperative process – county, municipality, public , RPO (TARPO), MPO (DCHC), NCDOT
- Timeframe of 18-24 months
- Addresses local needs in context of Statewide goals
- Recommendations are concepts – still require environmental analysis, design and safety standards
- Facilitates local governments with transportation planning

#### Relationship Between Plans

- CPT – 30 year needs
- TIP – 5-year work program

#### Why a CTP?

- G.S. 136-66.2 – Development of a coordinated transportation system and provisions for streets and highways in and around municipalities...with the cooperation of the Department of Transportation, shall develop a comprehensive transportation plan...

#### Transportation Planning Process

- Current year data
- Analysis/model
- Future year data
- Analyze deficiencies
- Develop alternatives
- Recommend plan
- Adoption of plan
- Technical report
- Corridor protection
- Programming

#### Strategic Highway Corridors

- Map indicating strategic highway corridors for freeways, expressways, boulevards, and thoroughfares and showing existing conditions, what needs upgrading, and what was recommended.
- Map located on DOT's Website a [www.ncdot.gov/doh/preconstruct/tpb/SHC](http://www.ncdot.gov/doh/preconstruct/tpb/SHC)

#### Corridor Protection

- Map depicting the Benjamin Parkway in Greensboro which is a protected corridor in 1981, and after construction in 1990

#### Benefits of a CTP

- No direct cost to Chatham County
- Common long-range vision for facilities between local governments, RPOs, MPOs, and NCDOT
- More reliable project delivery by:
  - ◆ Better transportation planning process
  - ◆ Improved planning process partnership
  - ◆ Customer-friendly documentation; and
  - ◆ Better integration of land use with transportation planning

#### CTP Products

- Adoption sheet
- Maps:
  - ◆ Highway
  - ◆ Public transportation and rail
  - ◆ Bicycle
  - ◆ Pedestrian
- Technical report

#### Highway Facility Classifications

- Five classifications: freeway, expressway, boulevard, other major and minor thoroughfares
- Based on the following features: speed limit, medians, access, traffic signals

#### Freeway Facility

- High mobility, low access
- 55 mph or greater
- Cross-section: minimum 4 lanes with a median
- Connections provided only at interchanges; all cross streets are grade-separated
- Driveways not allowed
- Traffic signals not allowed
- Examples – I-40, I-95, US 220, US 52 between Lexington and Winston-Salem

#### Expressway Facility

- High mobility, low access
- 45 to 60 mph
- Cross-section: minimum 4 lanes with a median
- Connections: interchanges (major cross streets) and at-grade intersections (minor cross streets)
- Driveways are limited in location and number; right-in/right-out only
- Traffic signals not allowed
- Examples – US 117 north of I-40, US 74 just east of I-277 in Charlotte

#### Boulevard Facility

- Moderate mobility, moderate access
- 30 to 55 mph
- Cross-section: minimum 2 lanes with a median
- Connections: at-grade intersections for most major and minor cross streets
- Driveways allowed – primarily right-in/right-out; encourage consolidation and/or sharing of access
- Examples – US 1 in Raleigh, NC 55 (Holly Springs bypass), NC 24/27 between Troy and Biscoe

#### Major/Minor Thoroughfares

- Balanced mobility and access
- 25 to 55 mph
- Cross-section: minimum 2 lanes, no median; includes facilities with a continuous left turn lane
- Connections: at-grade intersections
- Driveways allowed with full movements; consolidate or share connections if possible
- Examples – US 64 in Siler City, NC 109 and NC 134 near Troy

#### Additional Highway Maps

- Edgecombe County CTP – plan date November 2008; shows all highway facility classifications
- Franklin County CTP – plan date August 2010; shows all highway facility classifications
- Franklin County Draft Bicycle Map – plan date August 2010; indicates on-road and off-road routes and multi-use paths

Mr. Merithew noted that if the CTP was not done now, it was not known when it could be done. He said the resources were available now, and with budget cuts looming they could not promise when a plan might be done, adding that was something to consider. Mr. Merithew said if a CTP was begun now, then regardless of what happened in the future it would be a priority.

Chairman Bock said he understood that they were required to have a CTP by General Statute and it cost nothing to have the plan. Mr. Merithew said that was correct, other than whatever level of staff time they wanted. He said he assumed that the Transportation Advisory Board already assembled was to serve that purpose, in that it had representatives from all over the County.

Commissioner Cross said what had been decided in 2005 was that all the municipalities would do their plans together and it would then come to the Board of Commissioners for

adjustment. He said they had been doing that for five years, so this should not be too big of a step from that.

Chairman Bock said preparing a CTP seemed a logical step to take.

Commissioner Kost asked if the Board of Commissioners had to approve the CTP in total or could they approve parts of the CTP. Mr. Merithew said it was his understanding they would have to approve the total CTP, and if there was anything they did not like it was his goal to know that ahead of time. Commissioner Kost said she asked because of the community opposition to the US 64 corridor. She said the reason the plan in 1996 was not approved was the Jack Bennett Road extension, noting the problem was it would go through areas very close to Jordan Lake and there was concern about the environmental impact of that. Mr. Merithew said that was Army Corp land and was a part of that alignment. Commissioner Kost said that was correct, noting it was just too close to the lake. She said they should not assume that there would be no opposition to the Jack Bennett Road extension, although they all realized something needed to be done primarily because it was not a very safe road. Mr. Merithew said another benefit of a CTP was you did get the ear of people at NCDOT. He said that a representative from the Division would attend many of the meetings, and in cases such as what had happened with Pollard and the signage those could be addressed whether it was a part of the long-range plan or not.

Commissioner Kost said she imagined the process would be citizen based and they would work closely with the County's Planning Department. She honestly did not have a lot of faith in some of the State population projections for Chatham County, and she was assuming they would work closely with the Planning staff. Mr. Merithew responded they would work in what ever way the Commissioners determined, adding he did not think they could do the CTP without them.

Chairman Bock asked what they needed from the Board. Scott Walston, Transportation Planning Branch, replied all they would need was an okay to move forward.

Chairman Bock said if the Board said it was okay to move forward, what that would mean. Mr. Merithew said he would like to go back and begin conversations with the Transportation Advisory Board and determine if they were ready to begin the work. He said that Paul Black, the RPO representative, had had a hand in assembling the committee for that purpose.

Benjamin Howell stated that it indicated in the bylaws of the Transportation Advisory Committee that they would act as a CTP committee.

Commissioner Petty said he saw no reason not to move forward with a CTP.

Commissioner Petty moved, seconded by Commissioner Cross, to proceed with the Chatham County Comprehensive Transportation Plan. The motion carried five (5) to zero (0).

### **METROPOLITAN PLANNING ORGANIZATION APPOINTMENT**

Chairman Bock said this issue had been placed on the agenda several times but had been delayed. He said they needed to appoint a Commissioner to serve as the County's representative on the MPO. Chairman Bock asked what would be the consequences of not making that appointment. The County Manager said it would mean that there was no voting member on the MPO to represent the interests of Chatham County.

Commissioner Kost said she had been attending those meetings for two years and the MPO had been able to get funding to help with the American Tobacco Trail for Cary and to get a 751 corridor study approved. She said by having a presence at the table you were able to get transportation resources for Chatham County.

Chairman Bock asked for a volunteer to serve on the MPO. After a brief discussion, Commissioner Stewart agreed to serve and Chairman Bock agreed to be the alternate.

Commissioner Cross moved, seconded by Commissioner Petty, to appoint Commissioner Stewart (primary) and Chairman Bock (alternate) to the Metropolitan Planning Organization. The motion carried five (5) to zero (0). The appointment is a full Board appointment.

### **TRANSPORTATION IMPROVEMENT PLAN APPOINTMENT**

The County Manager stated that the Town of Pittsboro was undertaking with NCDOT a study of the Highway Element of a CTP, which would not interfere in any way with the County's CTP. He said that NCDOT had suggested that a County Commissioner serve on the Pittsboro committee to represent the County's interests.

Chairman Bock volunteered to serve as the Board's representative on Pittsboro's Transportation Improvement Plan committee. By consensus, the Board agreed.

### **SOIL AND EROSION AND SEDIMENTATION CONTROL ORDINANCE REVISION**

The County Manager said that at a recent retreat they had begun the conversation of how to streamline the process of revisions to the Soil and Erosion and Sedimentation Control Ordinance. He said today they wanted to begin the discussion of the substantive work of changing some of the wording in the different ordinances and policies now in place, and to begin that discussion Rachel Thorn would offer ideas she had developed. He said they would need some guidance from the Board that Ms. Thorn was on the right track.

Rachel Thorn, Sedimentation and Erosion Control Officer, said that this discussion had begun at a recent retreat but because of time constraints she had not been able to complete her outline. She said tonight she wanted to present options for modifying the language and to prioritize that work, noting that as work progressed there would need to be more discussion and perhaps a more detailed presentation of the revisions contemplated. Ms. Thorn said that staff was recommending that the following four items be considered:

1. The design criteria changed from the 25-year storm event to the 10-year storm event, as devices sized for the 25-year storm event increase the overall disturbance and provide little if any additional benefits than those sized for 10-year storms. There are alternative design measures to improve water quality of stormwater discharges without requiring larger basins.
2. The Residential Lot Permit requires an application and fee for all new residences. The purpose was to allow staff to regulate drastic increases in disturbances from the expected levels of residential construction in subdivisions. The changes in economic conditions have not allowed for this level of growth. Alternative solutions exist for enforcement in the event of violations on residential sites without requiring additional permits and fees in the building process. These permits present challenges to a limited staff and are an additional expense for all homeowners in the County. The staff recommendation is to eliminate this permit.
3. The requirement for the permitting of half-acre disturbances has proven to be ineffective in regulating any disturbances other than those for residential homes over 25,000 square feet. No permits have been issued for commercial or industrial development under one acre since the adoption of this provision. Designating one-acre disturbances as the threshold is in keeping with State and other County standards.
4. Two technicalities within the existing ordinance should be corrected to accurately reflect enforcement and administrative processes.

Chairman Bock said the Residential Lot Permit fee was \$100, and by not collecting that fee it reduced revenue by \$20,000 to \$30,000. Ms. Thorn was that was a hard figure to determine, but in 2010 there were 210 such permits issued, and about the same the year before. But, she said, calculating the fees was not that simple and they would get into more detail about that as they went through this process.

Commissioner Kost asked if there was any data regarding the storm events over the last five years. Ms. Thorn replied no, and what was behind her bringing that up was that when speaking with other colleagues about that particular criteria she was getting confirmation that that could be a somewhat large and difficult requirement to place on smaller sites. She said that was why municipalities that had larger rates of construction did not actually have that requirement, because on a small level it could be difficult to achieve; however, she could see the merit of having it in place. Commissioner Kost said she did understand what happened when they had storm events and the sediment that ran into the streams, and had some concern about not having actually data about storm events over the last ten years.

Commissioner Kost said some of what Ms. Thorn was saying was not so much streamlining but was about the fact that the department consisted only of her and not two people. She understood the challenge in doing the revenue projections, but just in residential permits alone they were talking about \$20,000 in revenue which would go a long way in offsetting the cost of a part-time position. Because Ms. Thorn was working alone there was limited time to do enforcement, so it appeared that perhaps the Board needed to look at hiring an additional position. Ms. Thorn stated as far as providing actual hard data in terms of studies associated with 25-year storms, Fred Royal had indicated that he had that hard data although she had not seen it. She said her suggestion to tie it to the site as opposed to everyone in the County was to try to meet that concern, where if you had a site adjacent to a stream that you provided that additional protection. But, she said, if you were in Governor's Village and it was a one acre plus disturbance for office space surrounded by a parking lot as opposed to wooded areas and sensitive streams, it was a little less practical. She said applying it where it was appropriate such as to environmentally sensitive areas or adjacent to streams or to larger projects in general was an effort to keep the most environmental protection possible for areas that needed it without requiring that engineers and designers wrestle with it on small job sites that probably did not need it. She said there were other forms of water quality protection other than just storm design criteria, and she believed there had to be a middle road of designing for the best standard possible but not making it so difficult for smaller projects. She said it was not her intention to have an ordinance without enough teeth; that she was trying to balance what she had with what she needed to do.

Commissioner Petty asked if her colleagues were following similar guidelines. Ms. Thorn said actually no, not the 25-year storm designs specifically. She said in this particular situation it was from a municipality with a much higher level of development and tended to be more like small retail space rather than large subdivisions like they have in Chatham County. She said the municipality was Wake Forest, and they had discarded the criteria based on some of the limitations on smaller job sites.

Chairman Bock said then they were using what Ms. Thorn was recommending now. Ms. Thorn replied yes, they were using the 10-year storm design criteria and currently Chatham County was using the 25-year storm design criteria, which again made the devices bigger and bigger was not always better. She said she wanted to consider a way of using the more conservative storm design for projects that really needed it instead of requiring all engineers for all job sites to have it, which gave her some flexibility.

Commissioner Petty said then her colleagues were following the same guidelines but they were not quite as stringent on smaller properties. Ms. Thorn was yes, in that one particular case.

Chairman Bock said he believed Ms. Thorn was exactly on the right track. Ms. Thorn said she would continue to look into the requirements and taking concerns and considerations into account. She said more development would mean more staffing needs, but at present they were all faced with limited resources and she was trying to find the best way to proceed with streamlining as requested and not undermine any of the environmental quality standards. She said the Residential Lot Permit process was a main focus, noting in order to administer that she needed another staff person which her budget would not allow, or not do the permits at all. She said she found it hard to justify charging people for a service they were not receiving.

Commissioner Petty said having the flexibility to go back if they had an issue with a project would be a great flexibility to have, and they could adjust that as needed, and what they were talking about today was right on track.

Commissioner Stewart asked how long the permits were good for. Ms. Thorn replied one year, but there were procedures for extensions. She said in terms of the concerns about loss of revenue it was hard for her to predict the amount of fees she would not be collecting, but there would be increases in fees when the Permit Extension Act began to expire. She said that might help offset some of that shortfall.

Commissioner Kost said that over the last year they had had discussions about taking over the Town of Pittsboro's soil and erosion control enforcement, and wondered if that had been pursued. She said it might be that they could fill an additional position and have the revenue to offset it. Ms. Thorn said she believed the discussion about that had been tabled for now, but doing that would definitely require more staff.

Commissioner Petty moved, seconded by Commissioner Stewart, to proceed with drafting ordinance amendments for the public hearing as recommended.

Commissioner Kost said she believed that a couple of the suggestions were worth a study but a couple she did not like, so she would oppose the motion.

Chairman Bock called the question. The motion carried four (4) to one (1) with Commissioner Kost opposing.

### **LEED CERTIFICATION**

Chairman Bock said that they had asked various individuals to provide some opinions as to whether or not the County wanted to require all new municipal buildings to have LEED certification.

The County Manager stated that Paul Konove, Chair of the Green Building Advisory Committee, was present and would address the Board. He said the Board had been discussing whether they could have energy efficiency without a LEED certification, and staff had been directed to look at energy efficient components that would give them a five to seven year payback in terms of installation and energy savings.

Paul Konove presented his comments to the Board and provided them in their entirety for the record as follows:

“My name is Paul Konove. I am a resident of Chatham County since 1977 and am also chair of the Green Building and Sustainable Energy Advisory Board. What I will say today are my own comments.

My business, Carolina Country Builders, began in 1985 in Chatham County. Since that time we only build new homes and renovations/additions using passive solar and what is known as green strategies.

One of the reasons the advisory board decided not to vote simply for or against supporting the present policy at our last meeting is because we believed providing you - the Commissioners - with accurate fact based information concerning LEED certification experiences from North Carolina real projects would be more valuable to your decision making process. Initially, we planned to provide this information with more people via the public input session. As it turned out the Feb. 7<sup>th</sup> public input was scheduled very late and we were advised against attending, and when we planned to do this at this evening's meeting, we were informed about needing to participate in this afternoon's venue. I hope you allow the people who follow me time to provide their very capable perspectives. I do have a number of letters from advisory board members who to quote one of the letters I have said “it was my understanding that the professional opinions provided by the members of the GBASE group would be construed to be in direct support of LEED certification for County buildings”.

To clearly connect today's discussion of the County's role in leading its citizens, businesses, and its infrastructure to the economic benefits of green and high performance buildings, I believe it appropriate to provide a short historical perspective of Chatham County's participation over the years in energy efficiency, solar energy and green building.

At the beginning of the 1980's green building was primarily related to passive solar homes, solar greenhouses, solar hot water, and air collectors. The majority of work at that time within the County was a project that provided low interest financing, training, and solar based construction work that included participation by a wide variety of Chatham citizens and organizations including, the council on aging, many churches, both high/middle schools, CCCC, and other citizen groups from all corners of the County.

Because of this program and because there was a concentration of passive solar homes in the County, we were seen as a model community for solar energy activity around NC and the southeastern US. To recognize this work the County Commissioners at that time proclaimed Chatham County as the solar capital of NC.



These Chatham County activities directly impacted the need for, the concept of, and the early work of the NC Solar Center which began in the late 80's which I co-founded.

In the 1990's Chatham residents participated in numerous solar and green home tours which resulted in visitors and good press for our County. One home (my own) participated in the Exemplary Home Program of the NREL and its energy performance was monitored and showed our house using 2/3 the energy of a comparable (at that time) 1994 building code house was on multiple tours and helped to contribute to visitors and publicity for Chatham.

Now since 2000, much has changed in our County green building activities. Yes there are still green home tours which sometimes occur twice a year and now have more homes participating, but there is much more.

We have the RAFI office building which is the first Energy Star certified commercial building in NC demonstrating energy savings now for 10 years. The first gold certified green home in NC was built here. There now are an increasing number of home builders earning a portion of their profits from green home construction. We have developers in Chatham County, one Briar Chapel (Newland Communities) broadcasting nationally, that their main building and all their homes are/will be green certified, we have Bingham Ridge, the first subdivision in the State building certified green homes with solar electricity and solar hot water as part of the new home package, we have small businesses that assist in the certification process and those that work on improving the energy efficiency of existing homes. We also have a community college program for green technology based here in Pittsboro that is top notch and brings people in from surrounding counties. Plus, of course, the recent County green buildings.

As a Chatham resident, I personally am proud to have participated in some of this activity. I hope you all might feel the same way. The trajectory of this work is clearly going up at an increasing rate. As I am sure you are aware, the stamp of approval (or the lack thereof) by local government can influence local economic development prospects. It has been shown – although partially anecdotal - that businesses and homeowners around the country are looking for areas and/or buildings that are committing to green building certification or have them available for rent.

Recently the NC Botanical Garden Visitor Center was awarded LEED Platinum. It is now becoming – unplanned by the staff – a place for green weddings, a preferred meeting location for both profit and non-profit organizations which will enable them to rely less on State funding in the future.

Now before others speak I wanted to read the original resolution of the Green Building Task Force that was presented to previous commissioners.

1. All new or remodeled county owned and publicly financed buildings of 20,000 or more square feet, comply with the appropriate
  - USGBC-LEED certification, at a minimum level of Silver;
  - the GBI-GreenGlobes or
  - similar third party certification and verification beginning immediately
2. These buildings shall also be designed to comply with the EPA national Energy Star performance rating system.
3. Information relative to green buildings shall be posted on the county website.

As I mentioned earlier, to provide you with knowledge and experience of LEED and green building as it relates to obtaining high performance buildings Alicia Ravetto and Tom Foster have I believe have valuable information for you to hear. Thank you.”

Alicia Ravetto, Architect, presented her comments to the Board and provided them in their entirety for the record as follows:

“My name is Alicia Ravetto and Chatham County is my home since 1991. I am an architect, LEED® AP since 2002, one of the first 5 LEED® AP in NC, currently with specialty in BD+C, USGBC LEED® Faculty and actively participating in committees that deal with education and outreach as well as advocacy issues related to LEED®.

As a Fulbright Scholar from Argentina, I received my Masters in Architecture in 1987 specializing in daylighting and solar energy use in buildings, worked for 5 years in Raleigh designing the most energy efficient schools, in Johnston County and Wake County. I have more than 10 years of experience in LEED® consulting on large institutional projects in the Triangle area and the Triad where I am on the design team for the new \$53 million campus for Guilford Tech Community College pursuing LEED® Platinum.

LEED® is not about the plaque, it is about a process that involves all stakeholders in the decision making. It is investing in the future, in our children and citizens, in stopping or delaying the destruction of the natural environment, in learning from nature and being smarter in how we spend our money. Also a growing number of corporate real estate executives say they are willing to pay more to lease green office space and that they consider sustainability issues when making decisions about locations, according to recently released research from CoreNet Global and Jones Lang LaSalle.

As recognized by the local EDC, *“utilize current best practices in attempting to attain a high level of environmental design, reduced environmental impact and enhanced related efficiencies of such municipal buildings. Those best practices may include the combination of costs versus benefits as to the efficient use of building materials, energy use and overall environmental impact.”*

LEED® Silver, from my experience, is currently equivalent to best practices. To achieve Gold you might need to spend some extra money and for Platinum you will definitely do so if you build in a rural county where the benefits of access to amenities by public transportation are not available.

LEED® has become the most known, and accepted rating system. There are 1 billion SF of certified buildings in the US. The LEED green building certification program’s greatest strength lies in its consensus-based, transparent, ongoing development cycle. The ability to be flexible allows LEED to evolve, taking advantage of new technologies and advancements in building science while prioritizing energy efficiency and other green building strategies.

I have been the consultant for Freelon Architects on (3) regional libraries with funding from bonds that commissioners voted for almost 10 years ago. The libraries, same size as this one that we are now enjoying in Chatham County, did not cost a penny more and went from Certified, to Silver to Gold, in part due to the increasing level of understanding and participation of the General Contractor. The Durham County Human Services Complex, a 270,000 SF, \$53 million project, under construction in downtown Durham is pursuing LEED® Gold (at no extra cost for LEED® including consultants from Rocky Mountain Institute in Colorado).

In the County, I have designed the RAFI USA Building and Dan Pollitt Conference Center, which opened in 2001. Teamwork from the start in 1997 led the organization to have the first Energy Star office building in NC. The most effective energy saving strategies were daylighting, passive solar, energy efficient lighting, natural cross ventilation, high levels of insulation and a high efficiency HVAC system. The building uses less than \$1/SF-yr or 30,000 Btu/SF-yr after almost a decade of actual energy consumption. The design strategies utilized were not rocket science then and are not today.

I would ask you: Do you want your facilities to be high performing buildings that save energy, water, have good indoor air quality, and be a good steward of our natural resources?" So if the answer is "Yes of course we do" then the only question becomes the cost to do LEED Certification.

The cost paid to the USGBC/GBCI is negligible for registration and review fees. The main cost is for the designers to create/assemble the documentation that substantiates that they are in fact achieving what they think they are. The cost of the Commissioning agent ensures on site verification that the systems are performing correctly. Wouldn't you want these services anyway regardless of LEED? I know I would! Ronald Reagan said trust but verify. LEED is the best program available to verify. A case study of a LEED certified 75,000 SF classroom and office building at Wake Tech North Campus presented at a recent state energy conference by Doug Brinkley showed that spending \$370,000 on design certification fees, commissioning, and construction there was a 14% return on investment and payback in 5.1 years.

I chaired the Green Building Task Force that recommended that the Chatham Commissioners adopt the resolution that all new buildings and renovation of more than 20,000 SF be LEED® Silver and reduce the energy use by 50% in comparison to an average building built to current codes.

Owners such as yourselves, the County, are leading the way in transforming the market by elevating the bar for high performing buildings that you will own and operate for 50-100 years. Budget cuts are currently making the energy and water savings more significant than ever. The Life cycle analysis of all resources used in renovations and new construction projects is becoming the basis of decisions for the implementation of good design, construction and operations and maintenance strategies.

For your information we are including a document with a list of Public Entities in our region that use LEED.

In closing, I support the continuation of the LEED® requirement for Chatham County and request the consideration of the future adoption of LEED® Gold based on the analysis and follow up on the current buildings obtaining LEED® certification. This should occur immediately or in a maximum of one year.”

Commissioner Petty said he believed what they were looking at today was not whether or not to do LEED but whether or not to require it for all buildings. He said right now he believed the resolution said “all buildings.” Ms. Ravetto said that was not correct, noting the resolution said “all buildings owned by the County including schools and community colleges over 20,000 square feet.” She said they were asking that the Commissioners set the tone for what would happen within the County because they were the ones that would be operating those buildings for the next 50 to 100 years.

Commissioner Stewart said to meet those requirements, could it only be met through LEED. Ms. Ravetto said that LEED provided other things that could be done, noting that energy and water although critical were not the only things. She said things were changing, and the County needed to change with them, in that buildings should be built in an energy efficient manner and that was what LEED certified.

Chairman Bock said he did not believe anyone was suggesting that they did not want to design their buildings to optimize water and energy usage, but the question was did they want to give the County the flexibility to require the extra steps it took to acquire LEED certification. He said it had been said it would not cost any extra, but as an example he was looking at the costs for the Justice Center and he thought those numbers were too low. Ms. Ravetto said the Justice Center was a \$24 million project, and the buildings were already designed to incorporate all of the energy efficiency issues. Chairman Bock said that was his point, in that the building was designed to incorporate the issues and he realized that \$130,000 was not a large number in terms of the total budget. Ms. Ravetto said that was not the number they should be focusing on, noting that figure was made up of \$30,000 in certification fees which had to be paid GVCI which provided a rigorous level of analysis. She said so they were not really talking about \$130,000, they were talking about \$30,000 out of a \$24 million project.

Chairman Bock said again, if that was the case then what they were looking at doing was keeping the flexibility to incorporate those things that were necessary. Ms. Ravetto asked what the negative side was of obtaining LEED certification. She said she did not believe that was any issue of flexibility. Chairman Bock said most of the examples that given were for economic development and obtaining LEEDs as a standard to use for marketing, and he agreed that corporate executives would be willing to pay a little more for that. He said where he began to differ from Ms. Ravetto was on, for instance, a jail, in that the question was would a LEED certified jail be a better marketing tool than a non-LEED certified jail. Ms. Ravetto said it was not a marketing tool in that case; it was a responsibility for the County to protect its resources by extending the life of such a building. She said many jails were designed to be LEED certified and in some cases hosted systems that generated electricity so that the County actually got money back.

Chairman Bock asked couldn't that be done without the actual LEED certification. Ms. Ravetto replied no, because there would be no one to guarantee that the building was designed properly and was performing as it should. She was not saying that it had to only be LEED, but

LEED was the most recognized system at present. She would still like to understand the negative side of obtaining LEED certification.

Commissioner Petty said the concern was that they were working with taxpayers' dollars and they needed to get as much value as possible for those dollars. However, most of the Commissioners were business people, and if she could show them a return on investment in five years they may feel differently. They were not objecting to LEEDs; it was about requiring all buildings to be LEED certified and they wanted the flexibility to choose or to not choose that rather than making it a requirement. It was not an issue of whether or not it was cost effective on all buildings, and he had a problem with the terminology "all buildings." That term took all of their flexibility away. Ms. Ravetto said she believed he was taking that terminology out of context, because it was only for buildings over 20,000 square feet.

Commissioner Kost clarified that the Board was not making a decision on this tonight, but was only receiving information.

Tom Foster, a mechanical engineer, said he had done about 50 LEED projects over the past eight or nine years and it was his job to make sure all the systems worked and to provide verification. He said he did performance contracting, and a lot of what he did was making the system work from a business point of view. Mr. Foster said he lived in a "super" energy efficient house which was fully daylight, super insulated, and had a geothermal heat pump and used passive solar. He said his house was 28 years old and had a separate measurement verification on the heating and cooling, and when it was built he had been guaranteed that the energy consumption would be \$62 per month. He said he had monitored that for the first three years and it had never gotten over \$25 month, so he no longer monitored it.

Mr. Foster said the question here was when they did a building to LEED standards did it really live up to those standards. The current rating system required that the energy efficiency levels be at a certain level and required that it be measured and verified during the first year of operation. So, you had to look at where the payback was. It was his observation that on buildings that did not go through the LEEDs process, then the energy efficiency and verification really did not happen. If you were going to build an energy efficient building, why not prove it. .

Jeffrey Starkweather, a non-voting member of the Green Building Advisory Board and a member of the EDC, said that he was providing a minority report and he wanted that as a part of the record. One point he wanted to make about his position on this issue was that this was a brand that had value to Chatham County. Being a part of the regional partnership of the Triangle where they had green technology as one of the things they promoted made him believe that it would be a competitive advantage for Chatham County to have that policy. The issue was whether the policy was a brand as opposed to any one building, and he would not contend that any one building could be a brand.

Chairman Bock said they would include the information tonight in the information already gathered, and when the Board held its next regular session meeting this issue would be an action item.

### **OLD COURTHOUSE COPPER**

The County Manager said this issue was related to the fire last year in the old courthouse building. He said they had about \$40,000 worth of scrap copper that came from that building, and the question now was what to do with that copper. He said in the past they had talked about perhaps commissioning artists to fashion art from a part of it, to sell part of it, or to use it for other things. He said that staff was recommending that the Board think about setting aside a portion of it and commissioning a metal artist to fashion some kind of art to be installed when the old courthouse renovation was completed and perhaps fashion a piece for the new Justice Center.

David Hughes, Public Works Director, said that the copper was now in a locked warehouse in Greensboro, noting that they were being charged about \$400 per month for that storage. The value of copper was a commodity and the value changed daily, so when he said the value was \$40,000 that was last week, and the value might be \$35,000 this week or \$42,000 next week. The copper amounted to about two roll-back containers.

Commissioner Kost said what was being recommended was to set aside a small amount to do a piece of art for the two buildings, and there had been an idea from the artist community to set aside a small portion for community art projects to be sold to raise money for enhancements to the old courthouse. She believed that staff was pursuing that idea with the artist community, and asked what the status was. The County Manager responded they had not discarded that idea, but it remained an option. Staff's question was how those consignments would be made to the artists, in that would it require an RFP process or could they take the wholesale amount set aside for the artists and give it to the Arts Council for distribution, or would it be a simpler process for staff to commission some sort of project for the renovation of the old courthouse and possibly something for the new Justice Center. He said all of those were still on the table as options.

Commissioner Kost said her idea was to work with the artist community and get those details worked out and then bring the Board a plan. She had supported selling off most of the copper six months ago so that they did not have to pay that storage, so she believed this needed to move ahead. But, she hoped they would hold back enough that they could iron out the details of having a community project to raise money for enhancements, and perhaps funds that would stem from the artists as community fundraising that could pay for the commissioned art that would go into either the old courthouse or the Justice Center.

Commissioner Petty suggested deciding on an amount to reserve and go forward with selling the rest. They could then decide how they would divvy it up.

Commissioner Cross said he would like to reserve enough to create two pieces of community art so that both the old courthouse and the Justice Center would each have one.

Chairman Bock said then if they were going to auction off the rest they would need to make that decision now. He asked did they want to earmark that for something or would they just put it in the General Fund.

Commissioner Kost said generally it would go into Fund Balance. It had been mentioned that it could be used to offset the cost of the Arts Council, but that was an ongoing expense and this was a one-time thing.

Chairman Bock asked were they in agreement that they would figure out how much to hold back and then sell the rest. There was no objection from the Board. Chairman Bock suggested selling three-quarters of the copper. Mr. Hughes said if a relatively small quantity remained they could likely store it themselves and not have to pay a storage fee.

Commissioner Kost asked could they store a quarter of the copper.

Chairman Bock said the big question was how much would be needed for art. Mr. Hughes said he believed two or three hundred pounds would be adequate.

Commissioner Cross suggested retaining 10% of the copper. He said Mr. Hughes had said it was two roll-back containers, which usually were 20 feet long and 8 to 10 feet wide, so that was a lot of copper, and 10% of that would be plenty for art.

Commissioner Stewart asked how big a piece of art they were talking about, asking were they thinking about something that stood on the floor or something else.

Chairman Bock said if they sold off three quarters of the copper, they would likely still have to pay for storage for the remainder. Mr. Hughes said that was likely. Chairman Bock said then perhaps they should sell 90%.

Commissioner Kost said then they would only have to store 10%. Mr. Hughes said they could provide storage for 10% of the copper.

Commissioner Stewart moved, seconded by Commissioner Kost, to sell 90% of the copper from the Old Courthouse and store the other 10% of the copper to be used for artwork. The motion carried five (5) to zero (0).

### **WESTERN WAKE PARTNERS**

Chairman Bock stated that this would be a discussion only with no vote taken at this time; that the vote would be taken this evening. He said they had been working with Western Wake Partners for some time and in summary there was a wastewater treatment plant being built in New Hill. The affluent pipeline from that plant was proposed to go through the Moncure area of Chatham County with about 8.5 miles of pipe that would then discharge treated water into the Cape Fear River near the Buckhorn Dam. The reason for the discussion was that before the Partners could run that pipeline through Chatham County they needed permission from the Chatham County Board of Commissioners. This had been discussed for some time and they had been working to determine a way to make a decision, either yes or no, and if the answer was yes then what kind of concessions would they like to see from the Partners. As a part of the public input session last month they had provided a frequently asked questions document. In that they had tried to answer as many of the questions that had already been asked, but there were some who were under the impression that those were the final answers when in fact it was the Board's attempt to give the best answers with the best information available. In particular, what had caused concern for some was the question of what benefits there were for Chatham County, and that was where most of the discussion should focus as well as the consequences of either a yes or a no. If they could agree that the negotiations that had been done with the Partners to date were good enough, then they would approve it, but if not then they would not approve it.

Chairman Bock said that where they were now was when listening to the input there were a few that said no, but most people understood that at some point that pipeline would likely end up going through Chatham County whether they said yes or no. Most people had said if they said yes, then there ought to be some benefits to Chatham County, and believed that all the Commissioners would agree with that. The question and where the debate and the negotiation came in was what benefit did Chatham County actually need. What he had tried to do was go through all the input that had been received from all sources and distill that down to what were the most important things. One of the main concerns was to make sure they protected property rights and tied to that was that people did not want Cary or Apex annexing into Chatham County without the County's permission. They would also like to see that the landowners were taken care of and treated fairly, and if there were any negative impacts to the Moncure community that those be addressed. Those were the main points that had been focused on when talking to the Partners.

Chairman Bock said where they were now was that they could get a local bill introduced into the Legislature tomorrow morning that would be sponsored by the Majority Leader, Representative Stam, and presumably as soon as they asked, the Minority Leader, Joe Hackney, who was the County's representative. Representative Stam had committed to taking that bill over to Representative Hackney this evening and then introducing it tomorrow. That local bill would be to restrict Cary and Apex from involuntarily annexing into Chatham County, ever. And, the Partners would work to get that bill passed as quickly as possible.

Chairman Bock said they were very concerned about involuntary annexation, because the way the law was currently written Cary could annex into Chatham County almost at will. The concern was that if the pipeline was to come through and the growth rate that might come from that would make it easier for Cary to do that. They wanted to prevent that, and the local bill was something that this Board and past Boards had worked on for a number of years to get introduced into the Legislature. That is one area where the Partners had agreed.

Chairman Bock said additionally, there was another State statute that said that municipalities could form agreements with each other to prevent them from annexing. Another concession he was looking for was while that bill was going through the Legislature he would like to see Chatham County, Cary and Apex adopt local agreements to prevent annexation. The local agreements, according to the State statute, would bind Cary and Apex for 20 years based on that local agreement. So, not only would they have the State statute but they would have the local agreement as well for added comfort.

Chairman Bock said the next point was taking care of the Moncure community, noting he believed everyone agreed that there could be some negative impact to Chatham County and the area where the pipeline would run. The Partners had agreed to pay Chatham County the sum of \$500,000 in a lump sum payment with no legal restrictions placed on it, with the idea that the money would be used to renovate the youth center currently in Moncure or possibly to build a

new facility. They had obtained some estimates on renovation of that youth center and the \$500,000 would cover a great deal of the necessary renovation of that building.

Chairman Bock said the issue that he believed was the most important long term was the idea of putting a tap into that pipeline for future use by Chatham County, assuming that the entire allocation was not being used. So, some time between now and 2030 the County could use that tap, at no cost to them, so there was really no reason not to do that although it might never be used. There were industries in Moncure that currently built their own water treatment plant and sprayed onto a 30, 40, or 50 acre site, and those sites could be put to some other use. If Moncure was ever to use that line they would have to upgrade their treatment plant, but it was an option that they could have that could help in the long run.

Chairman Bock said the last issue was that the Partners would be able negotiate with the individual landowners. If they could come to an agreement now, it would put the landowners in a better position to negotiate from a much less hostile framework. That would not only protect the property rights of that entire section of Chatham County but also the 12 property owners. He outlined the five areas of concessions he had just described:

- 1) Restrict Cary/Apex from involuntary annexation
- 2) Agreement to pass local agreements to prevent annexation
- 3) Moncure: agree to pay Chatham County \$500,000 to be used to renovate the youth center/or build new building
- 4) Putting a tap onto the line for future use by Chatham County
- 5) Negotiations with individual land owners

Commissioner Kost said then what he was saying was that they would not grant Western Wake Partners the power of eminent domain; that if they put eminent domain on it then they lost their ability to negotiate.

Chairman Bock said to get the concessions he had just outlined they would have to give permission to negotiate, and then if they could not reach agreement then they would go to the next step that could result in some kind of eminent domain with compensation. He believed that if they got to that point it would be a very small number, if any.

Commissioner Kost said she appreciated his work to restrict involuntary annexation, but most of the land in Chatham County did not qualify for annexation under the annexation laws because it did not fit the requirements, so that point was really not a concession at all. The issue had not always been involuntary annexation; it was more developers' annexations where developers had purchased land and then requested annexation.

Commissioner Cross agreed with Commissioner Kost's comment regarding voluntary versus involuntary annexation, noting to his knowledge the only annexations those entities had done were voluntary because it had been requested from citizens in a community in order to gain services that they would not otherwise gain. That was not what happens, so he looked at that as an abuse of the statutes. The voluntary annexation was what the previous Boards had been working for in terms of an agreement and that was what had been proposed in November by the previous Board.

Commissioner Petty said this was a difficult issue because it seemed like they had two positions, either yes or no. It appeared that all the input they had received had taken two different sides but those residents really had no actual stake in it, so it was important to him to separate that out and weigh the input from those that were directly impacted. His main concern all along was that the landowners involved be properly compensated because it was their property that the pipeline would cross. Some of those affected told him that it was really a bigger issue, and he agreed because it was a regional issue. He did not think the Partners would agree to no annexations at all, because it took away the ability for people wanting those services to move in. As well, the pipeline would go in regardless of what this Board chose to do or not do, and thought they were in a better position to negotiate some of the points by working with the Partners although there was a well-defined difference between voluntary and involuntary annexation. He did not believe the Partners would ever agree to give up the ability to voluntarily annex.

Commissioner Petty said one other thing that had come up quite often was that alternative routes were not considered, but research had shown that other routes were considered but deemed unacceptable due to the cost. What they were looking at now was trying to find a way to meet everyone's needs, but that would be difficult because everyone was not going to agree. They have made some headway, although it may be less than desirable. The landowners at this point would be able to adequately negotiate what their settlement would be, and they may lose that ability should the Board decide not to allow the pipeline. They may have to accept the fact that this is as far as they were going to get with the Partners.

Chairman Bock said as far as voluntary and involuntary and what Commissioner Petty had said the Partners would never agree to, he would not agree either. As a landowner, they were talking about property rights here and it appeared some were forgetting the other side of that equation. Property rights also included those people who might want to request to be annexed, and as a conservative he did not see how they could even ask that voluntary annexation be totally out of the equation. So, it was not just that the Partners would not agree to it; he personally could not consider agreeing to something like that.

Chairman Bock said while it may not sound like a concession to some at the table, the local bill to stop involuntary annexation was a big deal. Those people that had contacted him were worried about Cary crossing that line and making them a part of Cary when they did not want to be, and they wanted protection from that. Right now they did not have that protection. If they waited for the Legislature to change the rules, which he believed they would, that would not be addressing what was known as the "donut hole." If people in an area requested to be annexed and then it was annexed, there may be someone in the middle who did not want to be annexed. That donut hole could be filled, in that Cary could say that it only made sense to annex that hole because they had annexed the area around it and it made sense for their services. Right now, if they got the bill passed and if they got those local agreements on top of that bill, no one in Chatham County would ever be a part of Cary or Apex unless that property owner requested it.

Commissioner Kost said the other way to prevent annexation of a donut hole would be not to approve any noncontiguous annexations.

Chairman Bock said then were they saying that people were worried and concerned that Cary could make them a part of Cary whether they wanted to be or not, and was Commissioner Kost now saying that she was not concerned about that.

Commissioner Kost said she was not saying that; she was saying that all you had to do was read the annexation laws for the State and you would see that that was not the major concern, and it was not the major concern she had heard from residents she represented in District 1 which was her area. Their concern was that they had these leap frog, noncontiguous annexations, and whether voluntary or involuntary, it was still Cary to the residents in the area.

Commissioner Stewart said she had gotten many messages from people and she had also attended meetings where the biggest concern was that at some point Cary would build out, and once the pipeline went through they would want to begin annexing and would not stop until they reached the lake. From what she was hearing, that would not be a possibility and would not happen. She was a little confused because she had thought everyone wanted to stop the possibility that they would be living in Apex or Cary someday. This gave them that opportunity, and saw it to some degree as a one-time chance to prevent that from happening. If that was never an issue then how could so many people be so misinformed about that. So, she was confused because she had thought they all wanted that but now it sounded like it did not make any difference because it was a false concern.

Commissioner Stewart said there were a couple of other things that had been mentioned. One was that there was something that was said during an Environmental Management Commission meeting that she had attended in Raleigh about month ago which all of the Partners had attended along with representatives from Progress Energy, DENR Division of Water Quality, and of course the Commission that was asking the questions. She had brought forward the issues that Chatham County had, and they had wanted to know what the hold up was and what the problem was with Chatham approving this. She had told them exactly what she had been hearing from the people in Chatham County, which was the fear of annexation; that the pipeline would go in and be dumped in their backyards with nothing for the landowners to show



for it, and Cary would continue to build out further and further into Chatham County because they had the capability to do that.

Commissioner Stewart said she had also learned something about the possibility of dumping the discharge into the Shearon Harris Lake, and that day the question had been asked why not do that. The response was that it would require a new study which would cause years of delay, and while that was true that did not mean that they would get approval because, and she had not heard anyone else say this, but Holly Springs' discharge went into Utley Creek and then fed into Harris Lake which had been causing some issues with keeping the nutrients balanced. So, even if they went back through the whole process again she had gotten the distinct impression from the Division of Water Quality that it would never be approved based on what was happening with Holly Springs. So, she did not believe that was ever a true alternative.

Commissioner Stewart said her big concern here was that they could say no, which was their prerogative, but that would mean they were saying no to discussions with the landowners about the easements and making any kind of a deal. But, she did not think anyone believed that that saying no would make the Partners go away. A lot was riding on this decision from a business and residential standpoint, and because they were a part of the region they were expected to work with their partners. If they could get a bill through that said that Cary and Apex could not annex into Chatham County, then Cary could certainly get a bill through that said they would lay the pipeline regardless of what Chatham County said. That would be imminent domain and then all bets were off and all negotiations would be off the table. Her biggest concern was protecting the property rights of citizens; that is, protecting those five businesses and those eight landowners along that 8.5 miles that would have no say about the pipeline going directly across their property.

Commissioner Stewart said they were not talking about an adult book store or a tower that would block someone's view, they were talking about a direct impact to someone's personal property which they had bought and paid for and paid property taxes on. They owed them the respect of letting them have some say about what happened with this pipeline, and they would not get that by the Board saying no. She had to think about what she would be doing here because it would have a directly impact on those landowners' lives. Either way the Board went there would be those that did not agree, and at this point they had tried to think about how to balance it and get the best concessions and get something for everyone with the least amount of impact. She was really surprised to hear that the annexation issue was not really the big issue.

Chairman Bock said in the meeting Commissioner Stewart had mentioned, the Chair of DENR was present as were people from the Division of Water Quality, Progress Energy, soil and erosion people and others. They had spent a couple of hours explaining why the route was the way it was, and the point was that the plant was going to be built and New Hill had signed off on it. Chatham had lost a lot of negotiating power once New Hill had signed off and once that had happened, the remaining 8+ miles was the only sticking point. The people from the State had made it very clear that that was going to be the route.

Chairman Bock said when they looked at a map of the State they saw 100 counties, but those people who dealt with water quality and water allotment did not see county lines, they saw river basins. The question came down to if Chatham said no, could they get the law changed so that they could annex into Chatham County. This was where there would be some disagreement, and they would never know until they either said yes or no. But, when they had those types of agencies saying that the plant was going to be built and it had to discharge and that was the best route for the pipeline, that said something to him. When the Secretary of Commerce sent a representative to a public hearing to say that the Secretary of Commerce endorsed it, that said something to him. When he looked at the statute that made Cary get the County's permission you had to look at the genesis of that statute, which was originally designed to prevent one municipality from buying property in another county to site a landfill. That grew to something larger but that had been the original intent of that law, and not all 100 counties were listed in that statute. The Partners could go to the Legislature and get Chatham County removed from that list, and could make a public health argument for that because they had treated wastewater that needed to go somewhere and they had over 400,000 residents that were directly impacted.

Chairman Bock said to get completely political, you had to look at who would be getting this passed or not passed to get Chatham County removed from the list in the statute. Wake County was a fairly powerful delegation in the State as was Fayetteville, and along with them

you had Durham, Morrisville, Apex, and the Secretary of Commerce all making an argument. All of them would be strong enough except when you looked at who the majority leader was of the State representatives, which was Skip Stam from Wake County. So, he thought there was some influence there that they would get that through. They could use that influence to make them go around Chatham or they could use that influence to get the local bill passed. If the Board said no now, they were giving up on that local bill, they were giving up on a renovation to a youth center in Moncure that they had wanted, and they were also hurting themselves in regards to economic development in the future. And, they had a resolution from the EDC that attested to that.

Commissioner Petty said he had tried to take the emotion out of the equation and put all of the facts on the scale and weigh it out. Based on what had been presented the pipeline would happen with or without Chatham County's approval and they stood a better chance of negotiation if they allowed it. Other entities within State government had worked on the regional relationship, noting that NCDOT had given a presentation today on regional highway issues. So, this would happen and it was a matter of whether Chatham would participate or not. One thing that they were working on that could provide them some relief as far as some of the concerns was that they were working on a joint land use agreement with Cary which would require both parties to accept any change that was currently established. That would address some of the issues that were at hand, so they should not forget that. He understood where some were coming from but they needed to take the emotion out of the issue. When you weighed it all out and took everything into consideration, it appeared that the scale was tilted one way.

Chairman Bock asked if he was one of those 12 property owners, he would ask himself if he would be in a better negotiating position if they had a hostile situation because the County had said no and he had spent time and money to try to get a yes, and did he think he would try to recoup some of that money. If the situation was reversed, would the County want to recoup that kind of money if a neighboring county did that.

Commissioner Stewart said something else to think about was that this had been going one for quite some time. They were asked to come to the table and had declined for whatever reason which was a moot point. Where they had made the mistake originally was that even if they had not wanted to participate they had done themselves a disservice by not staying on top of the issue, staying informed, attending the meetings, and listening to the conversation. Obviously, this was a big issue and if Chatham had wanted to have a real bearing on the direction the pipeline was taking basically the Partners would have realized how strongly the County felt about it and perhaps looked at some other alternatives. Even if there were no other viable alternatives at least they would not be sitting here today having this discussion at the eleventh hour.

Commissioner Stewart said that brought her to the thing she was most concerned about. Looking at everything it seemed that this should have been taken care of last summer or last year, and did not understand what they were here today talking about a yes or no answer. They were still hearing people cautioning them to hold off and buy some more time, but it appeared to her that this Board and the previous Board had already spent a lot of time on it. She said perhaps Commissioner Cross or Commissioner Kost could shed some light on that since they had been members of that previous Board. If they were going to say no, they could have said no a year ago, and if they were going to negotiate something then that negotiation should have been going on all that time. She was concerned that they were this far down the line and were still discussing an answer with new members of the Board who were not present at the previous discussions. And now, there were those who wanted to delay a decision even longer.

Commissioner Cross said he would have been happy to have settled this last summer, but wanted to clarify that he had heard from only one person who lived on that road who had spoken favorably, and the line was going across the road from his property and not in his front yard. When you lived in an area such as southeast Chatham there was sparse luck finding septic fields and wells, and while setbacks from an easement would not necessarily hurt them if you wanted to do an outbuilding the setbacks would be measured from the original property lines but could not be on an easement. If you were trying to do a well, a septic field or a septic repair field, you had an additional five-foot setback from the easement, so you would lose 35 feet of your property. It could render someone's property useless if they could not have a septic or a well or fix the septic they had, and he did not know if anyone had considered that for these properties.

He certainly did not know of any of those property owners who were in favor of having the easement run through their property.

Chairman Bock said what was frustrating to him and others was that the way the statute was written, there was a point where Chatham could have said they had the right to negotiate and acquire land without giving up any right to negotiate imminent domain on that easement. We did not capitalize on that, so they were at the point where if they said no now, Cary would go to Plan B. They did not even know what would be fair, noting that if you looked at the route for the pipeline it went for the most part along the roads and along Progress Energy easements. He was frustrated that the County was in the position they were in but they were and they had to make a decision. It was definitely not unanimous that people wanted the Board to say no, noting there were others who wanted the Board to say yes. Just today he had received 95 indications from people who wanted the Board to vote yes, so it was not clear cut. He believed that constituents wanted the Board to do what was best for the entire County in the long run.

Commissioner Stewart said that Commissioner Cross had made a very good point about the well and septic issues associated with setbacks. She had brought that up at the Raleigh meeting in terms of such things as perk sites being disrupted, and a couple of people in the room had spoken up and said that those types of things would be negotiated individually with those particular property owners. She said they had said they would look at each unique situation and determine how the owner planned to use their property going forward so that concessions could be made for those types of things. They had been reassured that they wanted to do that individually; however, that was why if the Board said yes that that opportunity remain for those individual property owners. If the Board said no, it was unclear whether those property owners would get that concession. She was concerned about what rights the property owners might lose and what options they would lose to negotiate just the types of things that Commissioner Cross had described.

Commissioner Stewart said another issue that had been brought up was how this would impact agriculture, and they had discussed bringing equipment across the easement for timbering or farming or whatever. She had been told that most of the pipeline route would run parallel with the roadside and you would be able to drive over it, so from that standpoint there should be no impact. But, it was an issue and she had brought it up at the meeting, and those things they had said specifically that they would work with the property owners on.

Chairman Bock said the Board would likely have another discussion about this issue this evening prior to a vote, but the major points had been laid out and commented on today.

#### **NORTHEAST PARK CONSERVATION EASEMENT**

Chairman Bock asked if this issue was something that needed to be heard today. The County Manager indicated that it would be helpful to do that today. Chairman Bock indicated that because the Affordable Housing Consortium presentation would be five minutes of less, the Board would hear that item first, then take up the issue of the Northeast Park Conservation Easement, and then take a ten minute break before entering into Closed Session to discuss some personnel issues.

#### **AFFORDABLE HOUSING CONSORTIUM**

Jeffrey Starkweather, Chair of the Affordable Housing Advisory Board, stated that they had a wonderful opportunity for Chatham County. He said that Phil Smith, who was the Managing Planner for Cary and was a non-voting member of the Task Force, would make the presentation.

Phil Smith stated that HUD had two sources of money for local governments to engage in affordable housing, one was the Community Development Block Grant (CDBG) and one was the HOME Investment Partnership Grant. What they proposed was that the Consortium use the Home Investment Partnership Act. HUD awarded money in two ways, the first being for larger counties and larger cities on an entitlement basis, which meant you got your grant every year whether you applied for it or not. The second way which was the way Chatham County had been doing it was to compete with all the other smaller cities and counties in the State on a competitive basis and you had to apply in order to get the funding.

Mr. Smith said by forming a Consortium the goal would be to move Chatham County from that category into the entitlement category where they would be guaranteed funding every year. Calculations based on current levels of funding would be \$171,000 for Chatham County. To form a Consortium you had to form with enough governments to generate \$500,000 in assured money. They had several options to achieve that. Cary was in a consortium with Wake County and they could join that consortium, or they could form another consortium with some of the other surrounding counties to make up that \$500,000. One of the advantages of possibly joining the Cary/Wake County consortium was that Chatham was somewhat of a natural fit since Cary straddled both county lines. As well, you had to have a managing partner to handle the paperwork for the grant and Cary would do that on behalf of Chatham County.

Mr. Smith said what they were asking for today was for the Board to give the Task Force and staff permission to negotiate either with Cary and Wake County or with surrounding counties. If the Board wanted to move forward they would like to be able to submit by March 1 a letter to the Department of Housing and Urban Development indicating the County's desire to join a consortium. From Cary's standpoint they had discussed it among staff, but they had not yet taken it to Cary's council and that would have to be done before Chatham could become a member of that consortium.

Commissioner Cross asked how many consortium members would Chatham had to have to make up that \$500,000. Mr. Smith said that requirement would be satisfied if Chatham joined with Wake and Cary because that one already qualified, but they could pursue a consortium with other surrounding counties. Commissioner Cross asked if Wake County would determine where the money went; that is, what purpose it was used for. Mr. Smith said that would be negotiated with Wake County if Chatham joined that consortium. Wake County set priorities within Wake County. Commissioner Cross said but Wake County's priorities were not Chatham's priorities. Mr. Smith said he did not believe they would have a say over how the money was spent in Chatham County. Commissioner Cross asked if each member of the consortium gained funding on an equal basis. Mr. Smith said that would be the goal, in that if Chatham County as eligible for \$171,000 then that was what they would be allotted. Commissioner Cross asked how the eligibility was determined. Mr. Smith said it was based on a formula HUD used that was based on population, poverty level, and other factors. Commissioner Cross said he would assume that Cary would be a much larger dollar partner. Mr. Smith said that Wake got about \$600,000 on its own, and Cary got about \$21,000.

Mr. Starkweather said first of all Chatham County would not be getting anything unless they did the consortium, and Cary had been very generous to work with the County. Chatham would not have to do any of the administrative part of this which would be a great help since they did not have the staff to do that, and of course Chatham by itself could not be in it at all. The Task Force had looked at other options that had been determined to be unfeasible such as joining with Orange County, and the Task Force had been enthusiastic about at least having the option to see if they could negotiate joining a consortium and potentially coming back to the Board with a formal proposal.

Commissioner Cross said he was not making any argument against Cary, and appreciated their offer. He said he happened to know that Wake County had dictated to Cary that they had to use their funds for homelessness. Chatham County had an affordable housing issue and believed Cary did as well, and he did not want to be told that any funds had to be spent on homelessness when they did not have that as a major issue. Mr. Smith said that was a concern and had presented that to the Affordable Housing Advisory Board, but they had not yet had those negotiations with Wake County. Wake County controlled the money that came to Wake County, and Cary did have different priorities than Wake County. Commissioner Cross asked did Wake County dictate what Cary did with their portion.

Commissioner Petty said what the Task Force was asking to do was to pursue negotiations, not enter into an agreement. So, they would not be locked into anything at this time.

Commissioner Cross said they needed to negotiate a proposal by March 1, so there was a time constraint. Mr. Smith said that was correct, noting that was the deadline for submitting a letter to HUD stating an intent to form a consortium.

The County Manager said if they were to meet that deadline then they needed some direction from the Board.

Commissioner Petty said that sending in the letter of intent would not lock them into any arrangement.

Chairman Bock said any money they would get from a consortium was more than what they would get if they did not have the consortium.

Commissioner Cross moved, seconded by Commissioner Petty, to approve the request to allow staff to pursue consortia negotiations with adjacent local governments as recommended by the Affordable Housing Advisory Board. The motion carried five (5) to zero (0).

### **NORTHEAST PARK CONSERVATION EASEMENT**

Tracy Burnett, Chatham County Recreation Director, stated that the initial recommendation before the Board had been to approve the option to allow construction, maintenance, and a dual use hiking and mountain bike trail within the 15.3 acre easement at the Northeast Park. However, staff along with Fred Royal had discussed the situation in depth and had all agreed to the final wording which was the construction of a dual purpose, mountain bike and hiking trail within the 15.3 acre easement as part of a larger mountain bike and hiking trail network in the Park. They had agreed to have a trail within that easement as they would have that as a part of a bigger trail network throughout the whole Northeast Park site.

Commissioner Kost asked about the recommendation from the Environmental Review Board. Ms. Burnett said the packet did contain a memo expressing that ERB's concerns.

Fred Royal, Environmental Resources Director, said that the ERB was opposed to a mountain bike and hiking trail. Their understanding was that the trail would only be in the easement and not in the entire Park, so they were worried about overuse that could lead to erosion. Another issue was that there was still a lot of impact to the woods and safety was a concern. First of all the trail was only around 18 inches wide, so with hikers and mountain bikers both using the trail there could be some conflict. The bottom line was that the ERB had hoped to exclude mountain biking from that easement and place it somewhere else in the Park. The conflict was what if they needed part of that easement to build a mountain biking trail in order to loop the trail around the entire Park. There may or may not be the requirement to put that trail in the easement, but if it was necessary then the ERB did not want it at all. But, the Parks and Recreation Advisory Board wanted to have that option.

Commissioner Kost asked if the \$200,000 grant from the Clean Water Management Trust Fund carried any stipulations that would restrict the use of that easement. Mr. Royal said the grant's purpose had been for protection of wildlife habitat and water quality. He said the CWMTF would review all the documentation when it was presented to them and they would make the final decision, and the County had the option to ask for mountain bike and hiking trails. When they had discussed it a year ago, it had appeared to be doable if they had appropriate language added for maintenance and use. Once they decided what they wanted to include, they would send the documents to the CWMTF and then see what they decided.

Commissioner Kost said she was okay with asking the CWMTF to look at that, but she would like to see those comments from them before the Board took a final vote. Mr. Royal said they could include the language in the document and send it to the CWMTF, and when they comments back they could then bring those comments to the Board. He noted that all of that had to occur before the County received its reimbursement of \$208,000.

Commissioner Stewart asked how you would keep mountain bikers from using the easement if it was not designated. Ms. Burnett said that was a good question, but noted that mountain bike and hiking trails was one of the amenities mentioned in the Master Plan. They could try to enforce it by signing the trails for a particular use, but they did not have staff that could enforce that at all times. The Parks and Recreation Advisory Board had thought that having the language in the document would allow them the option of having that kind of amenity within the Park.

Chairman Bock said if they went with the recommendation, in essence the ERB was okay with that. Mr. Royal responded no, that the ERB preferred that there be no mountain biking trails within the Park.

Don Lein stated that if such trails were done well and were a part of a larger system, that they could be managed and not disrupt the intent of the CWMTF. He said the CWMTF would be looking at this closely, but they had indicated verbally that they believed it was viable.

Chairman Bock said he liked the idea of retaining as much flexibility as possible.

Commissioner Kost said she was not feeling a real sense of urgency to build the trails.

Chairman Bock said to make it clear, they were seeking to get their reimbursement of \$208,000 and the only way to do that was to get the easement document legal and final.

Commissioner Kost said she would not want to vote yes on this until they saw the comments back from the CWMTF. She said they did not yet have enough details to say that this was a great idea.

Chairman Bock said they were only retaining the option to allow construction, maintenance, and use of a dual use biking/mountain bike rail with the easement.

Commissioner Cross moved, seconded by Commissioner Petty, to move ahead with submitting to the Clean Water Management Trust Fund the option to allow construction, maintenance and use of a dual use biking/mountain bike trail within the 15.3-acre easement. The motion carried five (5) to zero (0).

### **BREAK**

The Chairman called for a short break.

### **ADJOURNMENT**

Commissioner Stewart moved, seconded by Commissioner Kost, to adjourn the meeting. The motion carried five (5) to zero (0), and the meeting was adjourned at 5:19 PM.

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Brian Bock, Chairman

ATTEST:

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