

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
WORK SESSION
OCTOBER 01, 2007

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 10:15 AM on October 01, 2007.

Present: Chairman Carl Thompson; Vice Chair, George Lucier; Commissioners Mike Cross and Tom Vanderbeck; County Manager, Charlie Horne; County Attorney Kevin Whiteheart; Assistant County Manager, Renee Paschal; Finance Officer, Vicki McConnell; and Clerk to the Board, Sandra B. Sublett

Absent: Commissioner Patrick Barnes

The Work Session was called to order by the Chairman at 10:18 AM. Chairman Thompson indicated that Item #4, Board of Education Presentation, would be heard first.

Work Session

1. Update on compliance with CUP conditions of the George Farrell self storage facility on US Highway 64 East
2. Waiver of following policies for TJCOG Contract
3. Update on TJCOG Contract
4. Board of Education Presentation re: Briar Chapel Middle School

BOARD OF EDUCATION PRESENTATION

Gerald Totten, School Board Member, thanked the Board for its decision, that should the Land Transfer Tax pass in November, that 85% of the proceeds would be dedicated to the schools. He said he hoped that future Boards would carry on that tradition. Mr. Totten stated that at their night’s meeting, they would present the plans for the new middle school at Briar Chapel.

Jennifer Sisak, AIA, SFL+a Architects, Project Manager, provided a framework for the project, including initial planning for the site and its key pieces to move forward on schedule. She said the Board of Education had requested that they compile their best estimates to demonstrate the costs related to the LEED process and how that process would impact the timeline. She then explained the LEED Objectives and Impacts Chart that had been provided to the Board, which summarized the points the design team believed were achievable on the new middle school, and which showed the point structure on the left side of the chart with some potential costs on the right side.

Ms. Sisak noted that the approximate construction value was estimated to be \$1,675,000; and, that the approximate consultant and design fees were estimated to be \$316,000. She stated that the anticipated fees would cover additional consultants including commissioning and more detailed work of existing consultants, for example the duplication of the energy modeling for the project by the electrical engineer, required by the LEED process, as well as documentation and general paperwork for the project.

Ms. Sisak stated that in order to achieve a Silver LEED rating a project had to earn between 37-43 points, and this project as outlined had the ability to achieve 41 points. She pointed out the calculation of those points on the chart within the six categories:

- Sustainable sites, which dealt with the site and all systems and components relative to sustainability. Anticipated points: 11.
- Water efficiency, which dealt with the reduction of potable water use within the project. Anticipated points: 4.
- Energy and atmosphere, which dealt with the use of energy in all its aspects within the facility. Anticipated points: 8.

- Materials and resources, which was the selection of materials to place within a project as it related to sustainability in recycled content, diversion of product from landfills, rapidly renewable products, etc. Anticipated points: 3.
- Indoor Environmental Quality, which worked with aspects of a design that affected the quality of the built environment from an occupant standpoint, such as the quality of air, lighting, thermal comfort, mold prevention, and acoustics. Anticipated points: 13.
- Innovation and design, which included having a LEED accredited professional on the design team, the ability to use the school as a teaching tool and any feature of sustainability or community connectivity that went above and beyond what was required, and which could be applied for as additional points in the system. Anticipated points: 2.

Total points: 41.

Ms. Sisak stated that she wanted to make it clear that they were not saying this project would cost \$2 million; they were saying that until they got further into the project and knew exactly which points to pursue, they could not offer a more firm estimate. But roughly, she said, achieving those 41 points would cost an estimated \$2 million. Ms. Sisak noted that as they moved further along, there may be some elements that could be eliminated from the project resulting in a reduction of costs, but still maintain the minimum 37 points for a Silver LEED rating. Ms. Sisak suggested that Board members visit the U.S. Green Building Council's website at www.usgbc.org for additional information. She noted that the two big dollar items on the list were the rainwater collection system and the geothermal process.

Chairman Thompson remarked that if they had to achieve at least 37 points, then the costs would likely not be much less than the \$2 million estimated. Ms. Sisak stated they could possibly reduce the cost as much as .5 million, but they did not have very many points to lose before endangering the Silver level certification.

Commissioner Cross stated there had been schools built with cistern systems on the roofs, and asked what kind of capacity of water retention could be achieved. Ms. Sisak said it depended on the area of the roof. She stated they were collecting the cleanest water possible from sidewalks and roofs; they prefer to do a series of small tanks that were hydrostatically balanced so that water could flow at an equal level between the tanks; and, that in addition to the tanks, pumps would be necessary as well as piping.

Chairman Thompson invited Alicia Ravetto, Chair of the Green Building Task Force, to make comments.

Alicia Ravetto, LEED Certified Professional, stated in her professional opinion the architects had done a great job in designing a school that could be LEED certified; that the \$75,000 for Fundamental Commissioning of the Building Energy Systems was required, but the \$30,000 for Enhanced Commissioning was not; the cistern system was something you could choose to do or not; that much could be done to lower water usage beyond the 20% goal without the cistern system; it would be helpful to have an analysis of how the geothermal process related to energy usage or savings; that perhaps that \$400,000 for the geothermal process should be used to enhance the building envelope by increasing insulation, reducing lighting, reduction in the HVAC timing, or other efficiency methods; and, the recycling of construction materials was not something Chatham County had a lot of experience with, so that would be difficult to achieve.

Commissioner Vanderbeck stated that according to the chart, there were 20 points listed as "maybe." He said as they looked at the 37 points needed to achieve Silver certification, what did Ms. Ravetto see as the points they needed to strive for from the "maybe" list. Ms. Ravetto responded the 30% reduction in water usage rather than the 20% goal would result in an extra point. Commissioner Vanderbeck said there would likely be an excess of reuse water on site given the way it was designed.

Commissioner Vanderbeck stated that the Economic Development Commission was attempting to align with Orange County in regards to the waste stream, noting those types of streams could create jobs. He said Orange County was achieving about an 85% reduction in recyclable construction materials going to the landfill. Commissioner Vanderbeck said they should strive to do something similar, creating jobs and recycling the waste.

Commissioner Lucier asked with the extra \$4 million, \$2 million of which was to achieve LEED Silver certification, what was the anticipated cost of the school and what was currently budgeted. Ms. McConnell, Finance Officer, stated they had budgeted about \$17 million, but the cost including furnishings had been estimated at \$18.5 million. She said as of now the cost was estimated at \$19.9 million, but believed that number could be reduced even with the LEED elements included. She said the construction-only cost of \$19.9 million had originally been estimated at \$15.2 million in 2004. Ms. McConnell offered to get more exact figures.

Ms. Sisak stated in her professional opinion, the school could be built for less than \$19.9 million. She said as more details were obtained they could tighten that estimate.

Commissioner Lucier said he understood why Ms. Sisak was reluctant to suggest a payback period in terms of when the County would get paid back in reduced energy costs. He asked if all elements were included, could she suggest an estimated time. Ms. Sisak said no, because it would depend on any system incorporated into the project, and they were working now on a system-by-system basis and whether those would be valuable to the overall project. She added that was a very hard question to answer.

Ms. Ravetto agreed, but added that daylighting would pay back in 2 to 4 years. She said with any energy efficiency, it must be maximized or it would take much longer to pay back. Ms. Ravetto stated that it might be possible for the County to begin a program where they looked at the life cycle costs as well as the beginning costs, and approach the State for grants or loans to use its projects to encourage others to do similar projects.

Commissioner Lucier asked Ms. Ravetto if her task force would be willing to work with the County's grant writer to form recommendations for the Commissioners of what could and could not be done. Ms. Ravetto replied definitely. Commissioner Lucier stated obviously they would need recommendations from her group. Ms. Ravetto stated that was true, and they were also willing to work with the architect to form those recommendations. She said it was important to recognize that in this LEED budget, there were some costs that would have to be incurred no matter what.

Commissioner Lucier stated the Board's policy was to achieve the LEED Silver certification, and that would cost roughly \$2 million; they also needed to move forward with the school because of the overcapacity experienced in existing schools; and, they needed to do it green, do it Silver, and do it now.

Mr. Totten stated that on October 11, 2007, there would be a meeting of all the stakeholders, and after that meeting would be when the commitment to proceed needed to be granted. He said there was not much that could be done until that "green light" was given.

Dr. Ann Hart, Superintendent of Schools, stated they needed to have the land transfer completed and the boundary of the site clearly defined, which were the two pieces impacting the design. Once that was done, she said, they would move on into the detailed design aspect of the project.

Commissioner Vanderbeck stated his main concern was operating costs, and energy costs were moving up as energy stock prices moved down; they needed operating costs that they could count on and were as tight as possible; there were things in the proposal that could be deleted or reduced for costs savings; some of those elements could be introduced in the future; and, he would rather spend a little more up front and save in the long run because he believed energy costs would skyrocket in the future. Commissioner Vanderbeck said they had committed as a County to be green, and the school would have an element of teaching those tools to faculty and students.

Commissioner Vanderbeck agreed that grants should be pursued; he encouraged the parents, teachers and students to form a group in the same way the Friends of the Chatham County Library had formed, in that they raised funds to supplement the library; such a group could raise funds to supplement the costs of green building alternatives; they needed a partnership with the community to help them achieve those things; they wanted a great product but at the same time they needed to pursue all means of fundraising; and, perhaps there were other things that could be done by citizens in terms of fundraising that could reduce costs in certain areas.

Ms. Sisak stated they had experienced success in working with area universities which could serve as a resource, noting they could provide some surveying expertise in terms of satisfying LEED requirements. She said many times such projects could become part of student or graduate student programs.

Ms. Ravetto stated one element on the chart identified at a cost of \$25,000 was for a survey of thermal comfort for the occupants of the building. She said that survey was now being offered at no cost by a group working with USGBC, and suggested taking advantage of that. Ms. Ravetto said the point was that USGBC wanted to track buildings that were LEED certified to see just how well they were operating.

Commissioner Lucier asked Ms. McConnell if she had she been able to obtain more exact figures. Ms. McConnell stated the total cost was now at \$19,024,000.

Commissioner Lucier stated he believed they should follow the energy policy recently adopted and go forward with the project, while continuing to strive for the LEED Silver certification for this building.

Chairman Thompson stated that the County's policy was to achieve a LEED Silver rating and believed the majority of the Board felt they should move rapidly forward with this project, and agreed they should move forward posthaste.

Ms. Sisak asked if they were being asked to move forward with a LEED Silver rating using the \$19,024,000 number supplied by Ms. McConnell.

Commissioner Lucier stated they should move forward as inexpensively as possible but still achieve the Silver rating, noting it was important that this project be as cost-effective as possible. He stated that everyone understood that cost overruns would likely have to be addressed as they arose. Ms. Sisak stated that was always their objective.

Norman Clark, Chairman, Board of Education, summarized that they would move forward with the plans for the school; they would seek LEED Silver certification; that the Board of Education would be diligent in reducing costs as efficiently as possible; and, that the Board would address any cost overruns.

Chairman Thompson agreed that was the message they were sending to the Board of Education.

BREAK

The Chairman called for a short break.

PLANNING AND ZONING

Update on Compliance with CUP Conditions of the George Farrell Self-Storage Facility on US Highway 64 East:

Keith Megginson, Planning Director, stated that at the last meeting the Commissioners asked for an update on this project, which had been approved in 2004. He displayed photos taken on September 19, 2007, that depicted the current status of that site: a red roof house as well as the storage facilities; leaning cypresses which had been planted between the adjacent property and this facility; the length of the line of bushes planted; the bushes that were dying due to the drought; the bushes that had already died; and, the property from the front along Highway #64 showing the bushes and trees that had been planted that were perhaps not as high as anticipated due to the drought. Mr. Megginson stated that the owner and the landscaping had stated they would do what had to be done as soon as the drought and the weather allowed them to.

Commissioner Vanderbeck asked Ms. Spina to address this, noting he did not know if the photos accurately depicted what she had seen or what was missing. Mr. Megginson stated that there was not much that could be done now, since it was not the appropriate time to plant.

Rita Spina commented that from the photos, she was concerned about the bushes in the front, not just their condition but that they were scanty. She said particularly on the west side

where the new facility was being constructed, those trees were in terrible shape. Ms. Spina stated it appeared to her that no care had been taken to preserve the plantings.

Commissioner Vanderbeck asked, regarding the original plan with the Appearance Commission, if this site was in compliance in terms of the number and spacing of the plantings, and if the weather had been better would those plantings have filled in those spaces. Mr. Megginson stated that in some places they had planted more than was necessary and in some places they had planted less, anticipating that they would fill in as they matured. He stated that the Leaning Cypresses had not filled out as expected due to the drought and other factors. Mr. Megginson said at the time the Certificate of Occupancy was granted in May, 2005 when the site inspection was done, they were in compliance.

Chairman Thompson stated then they were in compliance but were not in compliance now, and perhaps more than the drought had caused them to be out of compliance. Mr. Megginson stated they had anticipated the plantings to be bigger, and because they were not they would have to replace them at the appropriate time.

Ms. Spina said it was not just the condition of the plantings but the overall look of the property. She said there were promises made by Mr. Farrell regarding how the site would appear to the public, but in her opinion, it looked similar to a junkyard. She stated she did not believe there had been appropriate oversight of this facility, and did not want to see it deteriorate any further.

Chairman Thompson stated it appeared that the site was out of compliance with the conditions of the Conditional Use Permit (CUP). Mr. Megginson stated the problem was the screening and the disorderly business practices. Chairman Thompson asked if it was brought up to that standard, if it would satisfy the CUP, and could the Board require anything above that required by the CUP. Mr. Megginson said they were bound by the site plan and the CUP. He said much of the landscaping issues could not be addressed during the drought, and it was likely that additional properties would be identified that had the same issues of non-compliance due to water restrictions.

Commissioner Cross recommended that the Board table this issue and allow Mr. Farrell a chance to address the issues once the weather accommodated planting and growth. He said if that was not done, then the Board could address it at that time.

Chairman Thompson asked if the Planning Department would monitor that. Mr. Megginson replied yes.

Commissioner Lucier asked Ms. Spina if that seemed reasonable to her. Ms. Spina said she would like to identify exactly what the CUP allowed Mr. Farrell to do. She said she did not believe all of the issues were recent; that the neglect had been happening for some time even before the drought.

Commissioner Vanderbeck recommended that the Appearance Commission look at this as a case study, that is, how it was affected by the drought. He asked that they look at the original requirements of the CUP and make recommendations to the Board for its use when the Board revisited this issue.

By consensus, the Board agreed to table this issue and allow Mr. Farrell a chance to address the issues once the weather accommodated planting and growth; that the Appearance Commission look at this issue in terms of how it was affected by the drought; and, that the Appearance Commission look at the original requirements of the CUP and make recommendations to the Board for its use when the Board revisited this issue; and, that the Planning Department would monitor the site.

TJCOG CONTRACTS

Waiver of Following Policies for TJCOG Contract:

Mr. Megginson stated they were requesting a waiver of the County policy to require three quotes for contracts; that the Board had been in discussion with TJCOG about a contract for technical and professional services associated with land use and land development functions in

the amount of \$30,644, and for a project known as the Chatham County Major Corridor Committee – Scope of Work in the amount of \$10,288; that the County had not sought other bidders; and, it was necessary to waive the policy before the County could sign the two contracts with TJCOG.

Commissioner Lucier moved, seconded by Commissioner Vanderbeck, to waive the competitive bidding on the two TJCOG contracts for technical and professional services associated with land use and land development functions in the amount of \$30,644, and for a project known as the Chatham County Major Corridor Committee – Scope of Work in the amount of \$10,288. The motion carried four (4) to zero (0).

Update on TJCOG Contract:

Mr. Megginson stated at the previous meeting, the Board had asked that the Director of Environmental Resources to look over the two contracts and recommend adjustments. He stated that Item #2, Environmental Review Board work, had been deleted from the contract, and a minor typographical error had been corrected in Attachment #3. He reiterated that the first contract was for technical and professional services associated with land use and land development functions in the amount of \$30,644, and the second was for a project known as the Chatham County Major Corridor Committee – Scope of Work in the amount of \$10,288.

Commissioner Lucier asked how many hours of work would be required for the subdivision subcommittee and how many for the zoning subcommittee. Kevin Whiteheart, County Attorney, stated the exact number of hours were difficult to determine because there was no standard hourly rate.

Mr. Megginson said in Attachment #3, 91 hours were noted; and, 52 were noted on the second page for drafting and other functions. Mr. Whiteheart said by his calculations, 178 hours was noted for the zoning. The Chair of the zoning subcommittee stated their request had been for 80 to 100 hours.

Commissioner Lucier stated they were receiving much more than requested. Mr. Whiteheart said it appeared there was 320 hours noted for subdivision, zoning and text drafting, and another 43 noted as free project hours, for a total of 363 hours.

Chairman Thompson recognized Jeffrey Starkweather. Mr. Starkweather asked if the Affordable Housing Task Force would get some of those hours. Mr. Megginson replied no, that there would be a separate hourly charge if that was added to the contract.

Commissioner Lucier stated TJCOG had provided some staff time for affordable housing issues and that there would be a charge for that.

Commissioner Lucier moved, seconded by Commissioner Vanderbeck, to approve the two TJCOG service contracts (Major Corridor Ordinance and Land Use Initiative), attached hereto and by reference made a part hereof. The motion carried four (4) to zero (0).

Water Restrictions:

Charlie Horne, County Manager, stated that the County had in place Stage 3 water restrictions with its customers; they had found that because no outdoor watering was allowed they were experiencing problems with maintaining landscapes; that was counterproductive to other things the Board was trying to achieve; and, as a result they were proposing an interim policy whereby they granted their users one day a week, on the odd-even system as used in the past, to conduct outdoor watering, at least for the time being.

Roy Lowder, Utilities Director, stated that the County's neighboring communities had implemented similar policies, and that customers were asking the County to do the same.

The County Manager said it would allow customers to water either on a Tuesday or a Thursday, depending on the schedule.

Commissioner Vanderbeck stated such a policy could be rescinded if no relief was forthcoming for the drought. Mr. Horne stated that was correct.

Commissioner Cross asked if the policy prohibited hand-held watering hoses. Mr. Horne stated that was correct. Commissioner Cross stated people may not want to carry buckets of water to shrubs or other plantings, and suggested allowing watering using hoses for the time being.

Commissioner Vanderbeck stated that the rate of water coming from a watering can was much less than the rate of water coming from a hose, and the idea was that when the ground got so dry then the penetration rate of water got very slow. So, he said, using a watering hose would cause more waste than watering by can.

Commissioner Cross said he knew of no surrounding counties that did not allow watering by hoses.

Commissioner Vanderbeck stated he believed Orange County had restrictions on the type of hoses used and how long they could be left running, as well as restrictions regarding drip irrigation.

Commissioner Cross stated that Sanford had gone to Stage 3 restrictions today, and they continued to allow watering by hand-held hoses.

Chairman Thompson said he believed there was general agreement to allow the County Manager to continue as he had suggested.

ADJOURNMENT

Commissioner Lucier moved, seconded by Commissioner Vanderbeck, to adjourn the meeting. The motion carried four (4) to zero (0), and the meeting was adjourned at 11:43 AM.

Carl E. Thompson, Sr., Chairman

ATTEST:

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