

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
MAY 05, 2008

The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met in the Agricultural Building Auditorium, 45 South Street, located in Pittsboro, North Carolina, at 9:00 AM on May 05, 2008.

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

INVOCATION AND PLEDGE OF ALLEGIANCE

Commissioner Thompson delivered the invocation after which Chairman Lucier invited everyone present to stand and recite the Pledge of Allegiance.

CALL TO ORDER

The meeting was called to order by the Chairman at 9:10 AM.

AGENDA AND CONSENT AGENDA

The Chairman asked that Item #13, Consideration of a request to set May 22, 2008 as the second date on which to set a public hearing on the budget to be held in the Siler City Courtroom; and Item #5, Consideration of a request to adopt Resolution to Accept State Revolving Loan Offer from the NC Environmental Management Commission in the amount of \$1,500,000 be removed from the Consent Agenda and placed on the Regular Agenda for discussion.

Commissioner Vanderbeck moved, seconded by Commissioner Thompson, to approve the Agenda and Consent Agenda with the noted requests as follows:

1. **Minutes:** Consideration of a request for approval of Board Minutes for regular meeting held April 21, 2008 and work session held April 21, 2008

The motion carried five (5) to zero (0).

2. **Funds Acceptance for the Health Department:** Consideration of a request to accept funds in the amount of \$250.00 awarded to the Health Department from the Women’s & Children’s Youth Branch

The motion carried five (5) to zero (0).

3. **Funds Acceptance for the Health Department:** Consideration of a request to accept funds in the amount of \$855.72 awarded to the Health Department’s Environmental Health Services Section

The motion carried five (5) to zero (0).

4. **Funds Acceptance for the Health Department:** Consideration of a request to accept funds in the amount of \$4,300 awarded to the Health Department from the Women’s & Children’s Health/Women’s Health Section/Branch

The motion carried five (5) to zero (0).

5. ~~**Resolution to Accept State Revolving Loan Offer:** Consideration of a request to adopt **Resolution to Accept State Revolving Loan Offer from the NC Environmental Management Commission** in the amount of \$1,500,000~~

This item was removed from the Consent Agenda and placed on the Regular Agenda for discussion.

6. **Fiscal Year 2007-2008 Budget Amendments:** Consideration of a request to approve Fiscal Year 2007-2008 Budget Amendments, attached hereto and by reference made a part hereof.

The motion carried five (5) to zero (0).

7. **Contract Renewal for Auditing Services:** Consideration of a request to approve service extension for audit services with Martin Starnes and Associates, CPA's, PA

The motion carried five (5) to zero (0).

8. **Board of Health Appointment:** Consideration of a request to appoint Lorraine Barfield to the Veterinarian seat on the Board of Health by the full Board

The motion carried five (5) to zero (0).

9. **Chatham County Housing Authority Board Appointment:** Consideration of a request to appoint Kelli Council-Lattie to the Chatham County Housing Authority Board by Commissioner Thompson

The motion carried five (5) to zero (0).

10. **Chatham Transit Board Appointment:** Consideration of a request to appoint Marcia Perritt to the Chatham Transit Board by the full Board

The motion carried five (5) to zero (0).

11. **Home and Community Care Block Grant Committee Appointment:** Consideration of a request to appoint Judy Truitt of OPC Mental Health to the Home and Community Care Block Grant Committee replacing Mary Linker

The motion carried five (5) to zero (0).

12. **US Census Bureau Letter:** Consideration of a request to approve the letter to the United States Census Bureau, a copy attached hereto and by reference made a part hereof.

The motion carried five (5) to zero (0).

13. ~~**Public Hearing on Budget:** Consideration of a request to set May 22, 2008 as the second date on which to set a public hearing on the budget to be held in the Siler City Courtroom~~

This item was removed from the Consent Agenda and placed on the Regular Agenda for time clarification.

14. **Funding Plan for Juvenile Crime Prevention Council:** Consideration of a request for approval of Funding Plan for Juvenile Crime Prevention Council

The motion carried five (5) to zero (0).

END OF CONSENT AGENDA

PUBLIC INPUT SESSION

Bob Knight, 406 Chimney Rock Lane, Sanford, NC, stated that he was at a Board meeting last February seeking a way to have the sliding scale implemented for the impact fee; that he was told it was impossible and could not be done; that he accepted that to be right for he thought the Board sounded as if they really knew this to be right; that he then remembered the old saying “where there is a will, there is a way”; that he has never believed in “I can’t” for “can’t” couldn’t do anything; that a day or two later, he called Senator Atwater’s Office and expressed his thoughts and unfairness of the impact fee and what action would have to be taken to put it on a sliding scale; that the legal staff said that it is as simple as the County Commissioners submitting the resolution; that Senator Atwater wouldn’t start it but would assist in getting it through the General Assembly upon the Board’s request; that furthermore, it is not done this way anywhere else in the state but it has never been asked; and that he is asking again to act on this matter so it is a way of fairness for everyone.

He further stated that he felt it was so unfair for someone to have a mobile home and have to pay \$3,500 as opposed to someone building a two million dollar house and paying the very same impact fee

Chairman Lucier stated that it sounded as though Mr. Knight would be a strong advocated for the Land Transfer Tax; that the Board had stated that they would reduce the Impact Fee if the Land Transfer Tax had passed; that they do not like the idea that people who have a million dollar mansion pay the same Impact Fee as someone who puts a trailer on a piece of property that they might own; that it one of the reasons that they put the Land Transfer Tax on the ballot; that it does take legislative action to have a sliding scale on the Impact Fee as it is not something that the Board of Commissioners can do; and that once they do that, it enters into the legislative arena and they could potentially risk losing the Impact Fee entirely.

Mr. Knight stated that he spoke with someone in Bennett who could not afford to pay the Impact Fee so he converted an outbuilding into living quarters to keep from having to pay the \$3,500 Impact Fee.

Commissioner Cross stated that they had spoken with Speaker of the House Hackney and Senator Atwater about this each year he has been on the Board; that they have been told by our Legislators that it would have no chance in passing; that and they could possibly end up losing it; that there are only four counties that have authority for a school impact fee in the State of North Carolina; that he didn’t feel that it was fair either as that was why the Board was trying to get a Land Transfer Tax; that his friend who didn’t get the trailer and converted a building to a living space, was still subject to the Impact Fee; and that if the Land Transfer Tax had passed, the Board would not be looking at a tax increase this year and the Impact Fee would have been reduced from \$2,900 to \$1,900.

Chairman Lucier stated that he believed that all five Commissioners agree with him in that they all would prefer to have a sliding scale impact fee; however, that it not the question; that the question is whether or not it is possible for them to get it; and that they have talked with the Legislators about it and were not encouraged to move forward.

Commissioner Thompson stated that he felt it was important that they insure that their position is publicized as much as possible with regard to their stand on the Impact Fee.

PLANNING AND ZONING

Subdivision Preliminary Plan Approval of “Parker Springs”: Consideration of a request by Parker Springs, LLC for subdivision preliminary plan approval of “**Parker Springs**”, consisting of 50 lots on 87 acres, located off SR #1700, Mt. Gilead Church Road, New Hope and Williams Township

Keith Megginson, Planning Director, explained that this item was tabled at the last meeting in order for the Board to consider the Environmental Review Board's review of the Environmental Assessment that was done. He reviewed the revisions on the map

Chairman Lucier stated that he didn't think that anyone received the materials from the Environmental Review Board in time to review them and that Commissioners Cross and Barnes still have not received them. Commissioner Vanderbeck stated that it also wasn't copied to the attorney. Chairman Lucier asked Mr. Styers what had been changed in sketch design on the latest preliminary plat and what had been changed since the first preliminary plat.

Gray Styers, Attorney for the applicant, highlighted the efforts and a number of the changes to the subdivision plan that have been made since the Board's approval of the Sketch Design last January, and to further responded to the report of the Environmental Review Board (ERB) in greater detail as follows:

Parkers Creek

1. Prior to the sketch design approval, the applicant had agreed to double the required buffers along Parkers Creek so that it would be protected by a 100-foot buffer on both sides of the stream. The sketch design identified eight lots along Parkers Creek, and lot lines for most of those lots were to have been extended directly to the center line of the creek, as allowed by the Chatham County ordinances.

A. Since then, all lot lines have been pulled back to the edge of the 100-foot buffer and the entire 200-foot width of the buffer will be owned by the HOA and not by individual lot owners.

B. The lot labeled "Lot 41" of the approved sketch design bordering Parkers Creek on the south – which would otherwise have allowed construction of a house and required grading closest to Parkers Creek – has been completely moved and relocated elsewhere in the subdivision.

C. The lot labeled as "Lot 38" on the approved Sketch Design (and labeled "Lot 37" in the first draft of the Preliminary Plat), otherwise bordering Parkers Creek on the north and containing some of the steepest slopes in the subdivision has been moved and relocated elsewhere in the subdivision.

D. The one road crossing in Parkers Creek has been reviewed and approved by both the DENR Division of Water Quality (DWQ) and the US Army Corps of Engineers. This road alignment has been adjusted to cross the stream in a perpendicular direction and at a straight section of the creek to minimize the impact of the crossing.

E. DWQ and the US Army Corps of Engineers both approved the crossing of Parkers Creek and the sizing and location of the culvert, below the level of the stream bed, consistent with the permitting requirements for 404 Permits under the Clean Water Act, 33 U.S.C. 1344, and 401 Water Quality Certification.

F. Parker Springs received permission from NCDOT to design streets to generally follow the natural contour of the properties and to minimize cut and fill grading for the roads. That design for the streets will minimize the amount of coverage over the culverts at crossings which, in turn, will limit the amount of earth fill that will have to be placed in those areas on either side of Parkers Creek.

Stormwater Management and Slopes

2. As noted above in 1.A., 100-foot buffers, outside any individual lots, will be preserved along both sides of Parkers Creek, and there will be no impervious surfaces

(except for approved street crossings) within 50-foot buffers along all delineated intermittent streams. In addition, since the Sketch Plan Approval:

A. The street labeled Newcastle Court has been significantly re-configured to avoid a stream in the southeast corner of the property. Specifically, it was re-aligned to minimize stream impacts by centering on valley section that contains no stream or wetlands. The approved sketch design would have resulted in at least one street crossing and at least three driveway crossings. All have been eliminated in the Preliminary Plat plan. (This new configuration also minimizes the impact on this water feature by the adjacent Cooper Tract development by Contentnea Creek.)

B. Two of the lots shown on the Sketch Plan – 38 and 41 – which happened to have some of the steepest slopes -- have been relocated elsewhere. Therefore, two fewer homes will be built on lots bordering the Parkers Creek buffers on areas that have significant slopes.

C. The relocation of Lot 38 allows the lot lines between lots 33 and 34, between lots 34 and 35, and between lots 35 and 36, to be rotated approximately 25 feet counter-clockwise around the cul-de-sac at the end of Parker Springs Way. These changes allow for an additional 25-foot (for a total of 75-feet) buffer on the west (steeper) side of the intermittent stream north of Parkers Creek.

D. Having now finalized the street layout, Parker Springs LLC has projected that the impervious surface percentage of the entire subdivision will not exceed 12%. This percentage is so low, that it does not fall under any Chatham County or state stormwater management requirements.

E. However, Parkers Springs LLC has decided to treat stormwater in accordance with NCDWQ approved Best Management Practices (BMP) Manual, in a V-ditch or grass swale and rather than using curb-and-gutter in order to minimize concentrated flows. Discharge points have been designed in a way to ensure pipe flows will be minimized and sheet flow utilized. There will be no pipe flow discharge points within the 100-foot buffers of Parkers Creek.

F. The relocation of lots 38 and 41 reduces the impervious-surface percentage in the proximity of Parkers Creek, and allows for more room for stormwater dispersal on the west (steeper) side of the intermittent stream north of Parkers Creek.

G. None of the regulatory permitting agencies – DWQ, US Army Corps of Engineers, nor the Department of Transportation – have found the terrain to be an impediment to the issuance of required and necessary permits and to be in compliance with all applicable requirements.

H. The Chatham County Public Health Department, Soil Erosion Control Office, has approved the erosion and sedimentation control plan for the subdivision and issued a Land-Disturbing Permit certifying that the plan is in accordance with all applicable statutory and regulatory requirements.

Historical Preservation

3. Representatives of Parker Springs met on-site with Jane Pyle and Jim and Beverly Wiggins of the Chatham County Historical Association to address how to preserve the cemetery on the property. The cemetery, located on the property, is being protected as Parkers Springs has created a lot designated as open space or common space for the cemetery. The stone foundation on the property will also be protected as it will be included in the area for open/common space.

Soils Determination and Septic Layout

4. Extensive soil borings and analyses have been performed on the property since the approval of the Sketch Plan and work has been conducted to locate the precise location of the septic fields for all fifty lots in the subdivision. At the time of Sketch Design, it was anticipated that 11 homes would utilize subsurface “drip” septic systems, and a total of 19 systems would be “off-site.” After further evaluation and the discovery of better-than-anticipated soils, it was determined that no subsurface drip systems will need to be utilized, and with the revised configuration of the lots and roads, only 15 off-site systems will be required.

Mr. Styers stated that this analysis of the soils indicates that the soils on the property will easily support conventional or low-pressure septic systems for at least 50 homes in compliance with all local and state permitting requirements, and Thomas Boyce, Chatham County Soil Scientist, has reviewed the soil scientist report and found the information adequate for preliminary design; that furthermore, the analysis of the soils indicates that there are additional suitable soils on the property that are not proposed for use for the septic system, if needed in the future; and that at the request of the Planning Board, the Final Plat will designate the specific areas of the off-site fields associated with each lot.

He stated that the revised septic layout prepared by Licensed Soil Scientist and Professional Engineer Scott Mitchell of Mitchell Environmental, PA indicates the approximate locations of the septic fields for each lot and how the off-site fields will be utilized by the designated lots; that the layout also indicates where the houses can be located on each lot to comply with all setback requirements and avoid the location of the septic fields, as required by the Sketch Design conditions.

Water

In addition, Mr. Styers stated that the subdivision will provide a significant benefit to the County as Parkers Springs, LLC will install (at no cost to the County) a 12-inch water line that serves as the last segment required to loop the County’s water system in this part of the County; that this looping will both significantly help in providing adequate water pressure to Chatham County residents in this area and allow continued water service even in the event of a blockage or break of either the lines along Big Woods Road or along Mt. Gilead Church Road – a risk that currently exists without this last segment in place; that it is important to also note that since obtaining sketch design approval, Parkers Springs has spent approximately \$500,000 for surveying, engineering, soils analyses, design, environmental assessments, and permitting in order to meet ordinance requirements and file for approval of the preliminary plat; of that amount, Parkers Springs has paid \$175,000 to Chatham County, as required, for water connection fees (50 lots times \$3,500 per lot fee), which must be paid as part of the permitting process to be completed prior to submittal of the preliminary plat application; that in addition, they understand that Parkers Springs has paid \$7,000 to Chatham County for its sedimentation and erosion control permit (14 acres times \$500 per acre fee) for activities relating to the soils assessment necessary for development of its septic plans as required for the preliminary plat application; and that these amounts were paid in reliance upon the fact that the Preliminary Plat is an administrative process through which subdivision plats are refined and approved so long as the applicant can satisfy all objective criteria of the subdivision ordinance.

Green Building

Mr. Styers stated that Durham-Orange-Chatham County Home Builders Association has a Green Building Certification process; that there is a fairly long calculation of all the things to be certified as Green Building under Triangle HBA Building; that Mr. Ammons has said that he will request builders with building lots to comply with the current version of LEEDS Green Building standards by the Homebuilders Association; that he believes that this is going to be a great community consistent with the environment and the characteristics of the land and he wants the construction to be consistent with that as well; and that he wants to have all of his builders certified that they will meet the Triangle Green Building Certification Standards.

Mr. Styers, asked that the Commissioners approve Parkers Springs' preliminary plat since it meets all requirements of the Chatham County Subdivision Ordinance. He stated that Section 4.2(C)(1) of the Subdivision Regulations states that the purpose of the preliminary plat is to ensure that the proposed improvements meet the required standards, and the ordinance also lists the specific agencies that must review and approve the preliminary plat; that Parker Springs, has complied with every requirement of the Subdivision Regulations (and the Planning Staff has confirmed that the preliminary plat meets all requirements) and it has supplied all required information and obtained all necessary agency reviews and approvals; that furthermore, Parkers Springs satisfied the condition of approval of sketch design by preparing a complete EIA in accordance with the Subdivision Regulations and industry standards and submitting it to the County for peer review; that the ERB's report, which was only in draft form, raises numerous issues, assumes types of impacts, and/or requests information in ways that are in excess of and clearly not required by the Subdivision Regulations (and/or implies alternatives that are inconsistent with the zoning classification and approved sketch design); that significantly, the County has never adopted many of the standards contained in the ERB report (or, for that matter, any criteria for the ERB's review of EIAs). Therefore, there was no way that Parkers Springs (or any applicant) could know or anticipate standards that the ERB might attempt to impose upon it when planning the project and preparing the EIA.

Chairman Lucier asked the County Attorney what could be done in terms of conditions for green buildings.

Jep Rose, County Attorney, stated that he could request that they be green buildings; that if he wanted to go a step further, he could put some restrictive covenants on them that would require that they be certified.

Mr. Styers stated that the restricted covenants had not yet been developed; that there will be restrictive covenants in this neighborhood; that they don't have any problems that today's standards, by the Durham-Orange-Chatham County HBA, be certified under those standards if that is something that the Board wishes to do.

The County Attorney asked Mr. Styers if he was committing to put the restrictive covenants on them. Mr. Styers replied, yes.

The Chairman asked if the Board could make that part of a condition.

The County Attorney replied that the restrictive covenants are part of a private matter; that the applicant's attorney had stated it and the developer had nodded in agreement; and the Clerk would record it in the official record.

The Chairman asked if Mr. Ammons agreed. Mr. Ammons replied, "Sure".

Chairman Lucier asked Fred Royal, Chatham County Environmental Resources Director, and Sally Kost, Planning Board Chair, if they had comments.

Mr. Royal stated that generally speaking, it looks as though a lot of improvements have been made; that he would like to have a little more time to review it; that in his review, it looks as though a lot of the substantial changes were made; that his questions are: 1) Where are the ephemeral buffers as indicated in the April 30, 2008 letter? 2) What is the plan for meeting the statement that "diffuse flow" will be incorporated? 3) What water quality measures are planned for the (v-ditch) swales either within or outside of the right-of-way? Swales cause concentrated flows, similar to culverts.

Commissioner Vanderbeck asked if Mr. Royal was able to look into the two items which he requested, one regarding Lot #18 which doesn't cross the stream and the other if he was satisfied with the switching around of lots #37 and #38.

Mr. Royal indicated that he was satisfied with the issues that Commissioner Vanderbeck raised.

Chairman Lucier stated that he may return with further questions. He asked if Ms. Kost had any comments or questions, stating that the Planning Board had reviewed it and did not recommend approval.

Sally Kost, Planning Board Chairman, stated that this item was on the agenda for the last Planning Board meeting, but they quickly dispensed of it because there was no additional information that was provided; that that was the last time the Planning Board saw it so there was nothing to add; that she did receive a copy of the Environmental Review Board's letter this morning and quickly read it; that the comments include addressing the slope and identification of the streams that Mr. Royal mentioned.; and that she doesn't have a lot more to add.

Mr. Styers stated that Mr. Ammons intends to incorporate HBA-DOC GBI standards in the neighborhood covenants by reference; however, as Mr. Rose mentioned, conditioning the County's approval of a subdivision plat on specific building guidelines is not appropriate, nor is the County in the position of enforcement of building guidelines beyond the Building Code; that Mr. Ammons wasn't asked to, but voluntarily represented and committed to the Board, his intentions to have the builders in the neighborhood adhere to today's HBA-DOC GBI standards and gave the Commissioners his word that he would incorporate them into the Covenants; that as a landowner and developer working extensively throughout the Triangle, he is not going to risk his reputation (and credibility in future proceedings) by not following through on his commitments; that they do not have a problem with the County requiring that Mr. Ammons provide a copy of the recorded Covenants, incorporating the May 2008 HBA-DOC GBI standards, prior to receiving the first building permit in the subdivision, and they want to work cooperatively with the Planning Office; that as a practical matter, the County itself will not have a role in reviewing, permitting, monitoring compliance with, or enforcing the GBI standards in the subdivision; and that the minutes may reflect Mr. Ammons oral commitment to incorporate the May 2008 HBA-DOC GBI standards in the subdivision covenants, but they are not a condition of the preliminary plat approval.

Commissioner Vanderbeck stated that he didn't recall the date a NOV was issued, but that Mr. Styers eluded to them now being in compliance.

The Planning Director stated there is a plan approval and a permit for land disturbance; that they had their plan approval but did not have their land disturbance permit; and that when Jim Willis issued the Notice of Violation (NOV), they came in within a couple of days to get their permit.

Chairman Lucier asked if this was the hydro-ax work that was done to identify soils, septic sites, etc. Mr. Megginson replied that was correct.

Commissioner Cross thanked the applicant for their efforts in working with them on the application and for the concessions in making the subdivision a better one and a lot more friendly to what they would like to see in the County.

Commissioner Thompson stated that he was pleased that they had agreed to comply with the Triangle HBA Green Building Standards.

Commissioner Vanderbeck echoed the comments made by Commissioner Cross saying that it was a much better plan than what initially came before the Board; that a lot of those things have come through gentle coaxing from the Chair and others to get this movement; that he is pleased to see it; and that he hopes they can even improve on these things further in the future.

Chairman Lucier asked about the water quality swale and what kind of swale Mr. Styers was using, stating that apparently one is superior to the other in reducing sediment.

Mr. Styers replied that they had not gotten to that point in the engineering construction drawings; that they are willing to work with Mr. Royal and the County to consider that type of swale; that they have not looked at those two distinctions and were not prepared to respond except to say, where possible, they will look at it and see what they can do to implement it and report back to the Board what type and where they will be able to implement it.

Keith Roberts, with Development Consulting Services, stated that ditches are seen as an LID (low impact development) practice; that a lot of times, when they get into LID practices, you don't really put numbers to it to see how much sediment or how much ditches are slowed down; that it is just given as a fact that ditches are better than curb and gutter; that in a lot of situations they have been doing lately, is piping between property lines; that off-site pipes, if you have to cross pipe in the street, you have to get the water from the street to over behind the lots; that when the pipes between the lots would look better next to each other; that they are not proposing to do any pipes other than where they have to do them which is cross pipes under the streets; that everywhere else, once they get under the street, it will be conveyed over to the creeks or to the bunkers by swales or ditches; that as far as putting numbers on it, he has not done that; that he can do anything with regard to water quality swales; that about the only place they can do that is, at the place where the stream is headed to the buffer; that at most places where they are discharging their pipes in the wetlands and that type of area where you wouldn't want to get in there and create a swale; that wetlands are basically created as a natural filter per se to filter out stormwater; and that he feels they did a good job with that with regard to their discharge points; that the grass swales and ditches located within the DOT right-of-way, unfortunately, would not let them sway from their standard DOT design which is to meet the edge cross section design; that is what they want and say has less maintenance based on their records.

Mr. Styers stated that the issue was catching them cold today; that they are not prepared to commit throughout the neighborhood that will incorporate anything beyond what's in the Best Practices Management Manual; that they will commit to work with Mr. Royal to see what the options are.

Chairman Lucier asked if they would agree to do it if it was legally acceptable to NCDOT and technically feasible from the property and would lead to a reduction in sediment release.

Mr. Roberts responded that that was correct. He stated that inside the NCDOT their hands are tied; that once outside the NCDOT right-of-way, they are free to play with the design; that as far as the water quality swale, the State in their BMP manual, stated that you have to meet certain requirements based on velocity; that you should maintain velocity less than two feet per second, then they are usually required to have a minimum length; that now the minimum has been moved to 150ft.; that if there is an area where you can go 150 feet, there needs to be a wide enough ditch bottom where you can get the velocity found at two feet per second which would qualify as a water quality swale.

Chairman Lucier asked to omit those three issues: DOT permissible, technically feasible in terms of the property itself, and it would lead to an improvement in sediment flow. He asked, "Then you would do it?"

Mr. Styers stated that those were their plans; that they would like to work with Mr. Royal and have him look at what they are planning. Chairman Lucier stated that they would appreciate it if they would consult with Mr. Royal on it.

Chairman Lucier stated that the second question they raised was how were streams identified and which ones are ephemeral streams on the map and if there were 50 ft. buffers on both the ephemeral and intermittent streams.

Mr. Styers stated that he would take full responsibility for the drafting, stating that that should not have been in their letter; that it is not in any of the technical reports; that the effort was in the buffering and the identification was only on the intermittent and not on ephemerals; that he takes full responsibility for and apologizes for that statement; that he should not have said it as it was brought to his attention by his own engineer that he should not have said that; that the buffering identification is only on the intermittent.

Chairman Lucier asked if there were ephemeral streams on the property.

Scott Mitchell, Mitchell Environmental, stated that there were some ephemeral channels on the property; that they are located between lots #2 and #3. Chairman Lucier stated that across the lot line it becomes intermittent. Mr. Mitchell stated that that was an example of where they would be looking at the swale issues along property lines.

Mr. Styers stated that they try to work with the natural features in the lot design.

Mr. Mitchell stated that there was one other ephemeral channel; that there is an ephemeral valley behind lots #25 and #23; that it ends near the corner where the former lots merge; that the area is unusable for septic systems; that all of the homes and driveways would be excluded from that area as well.

Chairman Lucier asked if they could afford to put a 25 ft. buffer between lots #2 and #3 and between lots #25 and #23. Mr. Styers stated that they could commit to no tree clearing on 25 ft. of the first two property lines; that lots #23 and #25 absolutely have no issues whatsoever; and he feels they could say no tree clearing between lot lines between #2 and #3 and between #23 and #25.

Mr. Styers asked, since they had not had the opportunity to go out there, if they could have the option between #2 and #3 to either implement what was discussed at DWQ water quality swale or leave it unobstructed. Chairman Lucier asked if they would definitely agree to the undisturbed area between #23 and #25. Mr. Styers replied in the affirmative.

Commissioner Vanderbeck stated that he thought from reading in one of their letters that they committed to not do any tree clearing only for a road or a house footprint; that by saying that they are not going to clear between lot lines, he thought was already a given.

Mr. Styers stated that that was a commitment of the developer and what he would clear; that the building standards could have an effect here because the Green Building Standards talk about tree preservation of the lots; and that as the developer, they are not in a position to dictate, at this point, exactly which types of trees would not be cleared.

Mr. Styers stated that they would agree to a condition, that between the back of lot #25 to lot #23 there will be 25 ft. undisturbed along the property line and either 25 ft. undisturbed or a DWQ water quality swale between lots #2 and #3.

Chairman Lucier asked the Planning Director with changes that have been made from Preliminary Plat One to Preliminary Plat Two, what is the site plan of record and is it clear that the Preliminary Plat Two is the site plan of record stating that it was the one has moved lot #37 back to the off-site septic area and includes the additional 25 ft. buffering on the area north of the intermittent stream north of Parker's Creek, etc.

Mr. Megginson stated that if the Board of Commissioners sees fit to approve it, they have referenced the map in the approval and that is what the developer goes by.

Chairman Lucier stated that since this is clear, no additional conditions would need to be made to accommodate those changes that have been made as it refers to the Site Plan. The Planning Director replied that, with the things that the Board is just discussing, if they want that as part of it, they will need to include it in the motion. Chairman Lucier stated that he was thinking of the other changes that Mr. Styers described earlier.

Mr. Styers clarified, for the record, that they have already proposed a BMP at this location between lots #2 and #3 that is part of their proposal which would be cleared for purposes of constructing the BMP but that they can certainly use best management practice water quality measures along that property line but it would need to be cleared for purposes of installing. He stated that all the way from lot #23 to #25 could be undisturbed.

Chairman Lucier stated that he understood the way it is worded, the water quality swale or undisturbed, conveys the fact that it might have to be some clearing done to accommodate that. Mr. Styers stated that was a water quality swale or BMP measure.

Attorney Rose cautioned that the conditions be incorporated into the plat that the developer submits which are subject to the conditions that have been listed and agreed to by Mr. Styers.

Chairman Lucier asked if there was anything they had to add to the language for the green homes at this point. Attorney Rose replied, no, that they had his commitment, but that is between the developer and the people who purchase the homes.

Chairman Lucier thanked the developer for working with them. He stated that there are several things that they have done that have lessened the environmental impact of this development; that there is no doubt that he would prefer it to be an RA-90 type of situation where you wind up having 42-43 lots on the 87 acres instead of the 50; that he appreciates the lessening of the lots around Parker's Creek and dealing with some of the slope situations, what they are doing with the County water lines, additional 25 ft. buffer, and the protection they have agreed to with the ephemeral streams. Chairman Lucier called the question.

Commissioner Vanderbeck moved to approve this with the extra conditions 1) referencing the preliminary map #2, the most recent one, and 2) a 25 ft. undisturbed buffer on each side of the ephemeral channel between Lots #23 and #25 and 3) a 25 ft. undisturbed buffer will be preserved on both sides of the property line separating Lots #2 and #3 or, in the alternative, BMP stormwater measures or DWQ water quality swales will be installed within a stormwater management easement along this property line, and to consult with Fred Royal, Environmental Resources Director, to clarify it as to what would be technically feasible and permissible and to improve sediment flow on that issue.

Mr. Megginson explained that the BMP was different from the swales between #2 and #3.

Commissioner Cross seconded the motion. The motion carried five (5) to zero (0).

Public Hearing Date on Moratorium: Consideration of a request to set May 19, 2008 as the date on which to hold a public hearing for an extension on the existing moratorium

Commissioner Thompson moved, seconded by Commissioner Vanderbeck, to adopt **Resolution #2008-_____ Calling a Public Hearing on the Question of Whether the Existing Moratorium Imposed on the Creation of Certain Major Residential Subdivisions in Chatham County, North Carolina Should be Extended.** The motion carried five (5) to zero (0). The date was set for May 19, 2008, beginning at 6:00 PM, to be held in the Superior Courtroom. The resolution is attached hereto and by reference made a part hereof.

BOARD OF COMMISSIONERS' MATTERS

Resolution Authorizing the Negotiation of an Installment Purchase Contract: Consideration of a request to adopt **Resolution #2008-_____ Authorizing the Negotiation of an Installment Purchase Contract, Directing the Publication of Notice With Respect Thereto and Providing for Certain Other Matters Related Thereto,** attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

The County Manager explained that this request is to authorize the beginning process of the installment purchase contract for the Western Transmission Lines at \$14,600,000.00.

Vicki McConnell, Finance Officer, explained that a lot of this had already been done; that things had to be sped up because of Siler City; that this was supposed to be a part of the next COPS; that because they needed the money, they decided to go out for an installment purchase contract; that the County got an extremely good interest rate of 4.07% from RBC; that the resolution permits the negotiations with the bank; that it gives the County Manager and Finance Officer the authority to sign the documents; that it gives the authority to apply with the LGC and retain the services of special bond counsel; that RBC is the lender, DEC is the financial advisor; that it also sets the public hearing for May 19th.

Chairman Lucier reiterated that the County had already budgeted for the request.

Finance Officer stated that it is just being done earlier than originally planned due to the line extension that was done to connect Siler City's water system that was run up Highway #64.

Chairman Lucier stated that this would complete the water line all the way down Highway #902, including going under the Rocky River, and will complete the Southwest Water District Transmission Lines.

The County Manager explained that the Board moved up this project because the Board's interest in helping Siler City during the drought to make sure that they had a supply of water should their reservoir cease to be functioning.

Commissioner Barnes moved, seconded by Commissioner Thompson, to adopt **Resolution #2008-_____ Authorizing the Negotiation of an Installment Purchase Contract:** Consideration of a request to adopt **Resolution #2008-_____ Authorizing the Negotiation of an Installment Purchase Contract, Directing the Publication of Notice With Respect Thereto and Providing for Certain Other Matters Related Thereto,** attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0). The date was set for May 19, 2008, beginning at 6:00 PM, to be held in the Superior Courtroom.

Resolution to Accept State Revolving Loan Offer: Consideration of a request to adopt **Resolution to Accept State Revolving Loan Offer from the NC Environmental Management Commission** in the amount of \$1,500,000

The County Manager explained that the North Carolina Clean Water Revolving Loan and Grant Act of 1987 has authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater treatment works, wastewater collection systems, and water supply systems, and water conservation projects; that the North Carolina Environmental Management Commission has offered a State Revolving Loan in the amount of \$1,500,000 for the construction of modifications to the Town of Pittsboro's wastewater facility; and that the project will allow the facility to provide reuse quality water including a reuse water tank and transmission facilities to serve 3M Company.

Chairman Lucier asked how much waste water capacity would this add to Pittsboro and how will it help them with their moratorium.

The County Manager stated that unless the State has changed its mind, it will unfortunately not do anything; that it diverts approximately 300,000 per day from Roberson Creek to the 3M Plant unless it's fully on-line; that the problem is that the State says that if you can't do that on a 24/7 basis, you can not add capacity to your wastewater plant; that they won't get any relief unless there is something with which he is unaware; that when this discussion was begun many years ago, one of the ideas was to help them add capacity by taking the water from Roberson Creek and turning it eventually into steam, but that has not been in the State's confirmation.

Commissioner Thompson asked if it was necessary for the County to approve Pittsboro accessing this money since the loan would go directly to them. The County Manager stated that the County was the agent for the financing package, because at the time, the County had more credit worthiness due to the tax base.

Commissioner Vanderbeck moved, seconded by Commissioner Thompson, to adopt **Resolution #2008-_____ to Accept State Revolving Loan Offer from the North Carolina Environmental Management Commission,** attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Public Hearing on Budget: Consideration of a request to set May 22, 2008 as the second date on which to set a public hearing on the budget to be held in the Siler City Courtroom

The Assistant County Manager explained that the time, 7:00 PM, needed to be added to the May 22, 2008 public hearing to be held in Siler City and that the location needed to be changed to the Superior Courtroom on May 19th.

Commissioner Vanderbeck moved, seconded by Commissioner Cross, to approve the change of the meeting place for the May 19, 2008 budget public hearing from the District Courtroom to the Superior Courtroom and to approve the 7:00 PM time for the second budget public hearing to be held in the Siler City Courtroom. The motion carried five (5) to zero (0).

MANAGER' S REPORTS

The County Manager stated that his items would be covered in the Work Session.

COMMISSIONERS' REPORTS

Resolution in Support of Piedmont Regional Shared Use, Value Added, Food and Agricultural Processing Center:

Commissioner Vanderbeck explained that at the last Board of Commissioners' meeting, he had asked the County Manager and the Board approved by consensus to draft a resolution for Chatham County's support of the Piedmont Regional Shared Use, Value Added, Food and Agricultural Processing Center; that Orange County has agreed to house the facility in an existing building in Orange County in Hillsborough, NC; that it was based on a study funded by Alamance, Chatham, Durham, and Orange Counties as well as Weaver Street Market and Whole Foods in November, 2007; that it addresses funds that would be generated in the amount of \$150,000 in fees over years two and three of operation; that it would possibly generate income between \$800,000 and \$1.2 million; that the Board, upon approval, would basically say that they agree this, the need and use; that it would benefit surveyed clients in Chatham County and benefit agriculture; and that shared monetary compensation and/or in-kind services will be determined at a later date and request that equitable fiscal support among partners be pursued that recognizes the allocation of the Orange Enterprise building owned by Orange County. He stated that Durham County has not yet adopted a resolution but that they hope they will soon; that they will then get moving on the project; that there is no commitment from the Board of Commissioners at this time; that he brought up at the meeting that Chatham has a grants writer and that those services might be accepted as an in-kind contribution which would also show the County's good faith efforts at this time to help find funding for this project; and that there are a number of grants that are pursued and are already in progress and possibly earmarked from Congressman Price

Commissioner Thompson moved, seconded by Commissioner Cross, to adopt **Resolution #2008-___ In Support of Piedmont Regional Shared Use, Value Added, Food and Agricultural Processing Center**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Commissioner Vanderbeck asked that the resolution be sent to all necessary folks.

JOCCA:

Commissioner Thompson stated that as a member of the JOCCA Board of Directors, he suggested several weeks ago that they invite all the Board members to accompany their organization's specialists out to a home to see what is involved and what they are doing; that he thinks the Board of Commissioners has that invitation; that he had the opportunity to visit a house that they were weatherizing; that Mr. Doug Dickson, weatherization supervisor, was very knowledgeable and did an excellent job of carrying them around to homes and even under the houses, etc.; that he pointed out several of the specifics in which he was involved; that he was real impressed; that JOCCA does the weatherization program and one dealing with unemployment and working with them to help them find employment as well as meeting other needs; that he wanted to apprise the Board of that; that the weatherization program brings in more than \$200,000 to the County, most of it for supplies and materials to spend in Chatham County; and that contractors are hired to do the work in the County.

Council on Aging:

Commissioner Thompson stated that the Council on Aging would like to have an appreciation dinner or luncheon for the Board; that anytime folks want to do that for them, he feels they should comply; and that he would ask the County Manager if he would touch base with Angel Dennison, Council on Aging Director, to set up a time to do that, if the Board is willing to be fed and appreciated.

By consensus, the Board agreed.

ADJOURNMENT

Commissioner Vanderbeck moved, seconded by Commissioner Barnes, to adjourn the meeting. The motion carried five (5) to zero (0), and the meeting adjourned at 10:33 AM.

George Lucier, Chairman

ATTEST:

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