

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
DECEMBER 01, 2008

The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met in the Superior Courtroom, 1 Hillsboro Street, located in Pittsboro, North Carolina, at 6:00 PM on December 01, 2008.

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

PLEDGE OF ALLEGIANCE AND INVOCATION

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

The meeting was called to order by the County Attorney at 6:05 PM.

CALL TO ORDER

Jep Rose, County Attorney, presiding over the Board of Commissioners’ meeting, called the meeting to order and recognized the Honorable Joe Buckner, a Chatham County native and Chatham County District Court Judge to swear in the re-elected and newly elected Commissioners.

OATHS OF OFFICE

Chatham County Commissioners:

Judge Joe Buckner administered the oaths of office to re-elected Mike Cross, and newly elected Sally Kost as Chatham County Commissioners. The oaths are attached hereto and by reference made a part hereof.

ORGANIZATION OF THE BOARD

Chairman:

County Attorney, Jep Rose, presided over the organization of the Board. He opened the floor for nominations for Chairman of the Chatham County Board of Commissioners.

Commissioner Thompson nominated Commissioner Lucier for Chairman of the Chatham County Board of Commissioners.

Hearing no other nominations, Commissioner Thompson moved that the nominations for Chairman of the Chatham County Board of Commissioners be closed and Commissioner Lucier be elected by acclamation. Commissioner Kost seconded the motion.

The presiding officer called for a vote for Commissioner Lucier as Chairman of the Chatham County Board of Commissioners. The motion carried five (5) to zero (0).

Chairman Lucier stated that it was an honor to be reelected Chairman and stated that he would do his best to represent the Board and citizens of Chatham County.

Vice Chairman:

Chairman Lucier opened the floor for nominations for the Vice Chairman of the Chatham County Board of Commissioners.

Commissioner Vanderbeck nominated Commissioner Kost for the office of Vice Chair of the Chatham County Board of Commissioners.

Commissioner Vanderbeck moved that the nominations for Chairman of the Chatham County Board of Commissioners be closed. Commissioner Thompson seconded the motion.

Hearing no other nominations, the Chairman called for a vote for Commissioner Kost as Vice Chair of the Chatham County Board of Commissioners. The motion carried five (5) to zero (0).

ZONING BOARD OF ADJUSTMENT APPOINTMENTS

Chairman Lucier stated that the Chatham County Board of Commissioners also presides as the Chatham County Zoning Board of Adjustment which deals with any complaints or grievances against Planning Department decisions, etc. He asked for a motion to nominate the Chatham County Board of Commissioners as the Chatham County Zoning Board of Adjustment.

Commissioner Vanderbeck moved, seconded by Commissioner Thompson, to appoint the Chatham County Board of Commissioners as the Chatham County Zoning Board of Adjustment. The motion carried five (5) to zero (0). The oaths are attached hereto and by reference made a part hereof.

Judge Buckner administered the oath for the Chatham County Zoning Board of Adjustment.

REGISTER OF DEEDS AND STAFF

Judge Joe Buckner administered the oath of office to the Chatham County Register of Deeds, Treva B. Seagroves. He then administered the oath to the Chatham County Register of Deeds' Staff, Vicky E. Scott, Jo Ann Thomas, Peppi M. Eliason, Veta A. Brown, and Casey O. Blevins. The oaths are attached hereto and by reference made a part hereof.

SOIL AND WATER CONSERVATION DISTRICT SUPERVISORS

Judge Joe Buckner administered the oath of office to the Soil and Water Conservation District Supervisor, Lynn Mann. The oath is attached hereto and by reference made a part hereof.

Judge Buckner congratulated the Board members and thanked them for their service to Chatham County.

AGENDA AND CONSENT AGENDA

The Chairman asked if there were additions, deletions, or corrections to the Agenda and Consent Agenda.

The County Manager asked that Presentation of December Employee of the Month be postponed until the January 05, 2009 Board of Commissioners' meeting.

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

1. **Minutes:** Consideration of a request for approval of Board Minutes for regular meeting held November 17, 2008

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

2. **Debt Write-Off for Health Department:** Consideration of a request to approve a debt write-off for the Chatham County Health Department in the amount of \$23,326.02 for the period July 1, 2006 through June 30, 2007

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

3. **Board of Health Appointment:** Consideration of a request to appoint Commissioner George Lucier to the Chatham County Board of Health

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

4. **Agriculture Advisory Board Reappointment:** Consideration of a request to reappoint Tandy Jones to the Agriculture Advisory Board by Commissioner Cross

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

5. **Planning Board Reappointment:** Consideration of a request to reappoint B. J. Copeland to the Chatham County Planning Board by Commissioner Cross

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

6. **Planning Board Reappointment:** Consideration of a request to reappoint Susan Levy to the Chatham County Planning Board by Commissioner Cross

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

7. **Recreation Advisory Board Appointment:** Consideration of a request to reappoint Al Craven to the Recreation Advisory Board by Commissioner Cross

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

8. **Home and Community Care Block Grant Committee Appointment:** Consideration of a request to appoint Robert Nevels to the Home and Community Care Block Grant Committee by Commissioner Cross

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

9. **Resolution Approving Road Maintenance Abandonment on Jeffries Drive:** Consideration of a request to adopt **Resolution #2008-67 Approving Road Maintenance Abandonment on State Road #2147 Also Known as Jeffries Drive**, attached hereto and by reference made a part hereof.

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

10. **Public Hearing Date for Watershed Protection Ordinance Amendments:** Consideration of a request to set January 20, 2009 as the date on which to hold a public hearing on Watershed Protection Ordinance Amendments to Section 303 Cluster Development and Section 505 Establishment of Watershed Review Board and other applicable sections related to these

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

11. **Western Wake Environmental Impact Statement:** Consideration of a request to approve the Western Wake Environmental Impact Statement letter, attached hereto and by reference made a part hereof.

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

END OF CONSENT AGENDA

PUBLIC INPUT SESSION

Bob Knight, Chimney Rock Road, Sanford, NC, voiced concern with regard to approving putting liquor-by-the-drink on the ballot. He stated that he hoped the Board would use better judgment; that if liquor-by-the-drink is a ploy to get better restaurants, then the County does not need that type of restaurant; that the only ones who would benefit would be the lawyers of Chatham County; that there is too much domestic violence now; that it would only add to the deaths of those living in Chatham County; that most of the fatalities in the

County are caused by drunk drivers; and that he begs the Board to forego putting liquor-by-the-drink on the ballot.

Chairman Lucier thanked Mr. Knight and stated that this issue would probably be considered by the Board sometime in January.

BOARD OF COMMISSIONERS' MATTERS

Employee of the Month: Presentation of December Employee of the Month

This item was postponed until the January 05, 2009 Board of Commissioners' meeting.

Text Amendment to Chatham County Zoning Ordinance: Consideration of a request to adopt text amendments to the Chatham County Zoning Ordinance to provide the following new zoning districts: Neighborhood Business, Community Business, Regional Business, and Agricultural. Amendments also include the creation of a Table of Permitted Uses, revisions to Home Occupations that include reductions in accessory building sizes, environmental standards, and landscaping and buffering requirements for all non-residential developments

Keith Megginson explained that the text amendments to the Chatham County Zoning Ordinance was as the Board of Commissioners had recommended at a previous meeting.

Commissioner Vanderbeck stated that the changes he has seen and the comments that were brought up at the last two meetings have been addressed.

Commissioner Kost stated that the Board of Commissioners recommended at their November 17, 2008 Work Session to remove the Agricultural Zoning District from the Zoning Ordinance until this zoning classification could be further studied. Commissioner Kost charged the Planning Board to do further work on this issue. Chairman Lucier clarified that this item would first be referred to the Agriculture Advisory Board and after the Agriculture Advisory Board made their recommendation, the Planning Board would review and make a recommendation to the Board of Commissioners.

Commissioner Vanderbeck moved, seconded by Commissioner Kost, to adopt **An Ordinance Amending the Zoning Ordinance of Chatham County**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Text Amendments to the Chatham County Subdivision Regulations: Consideration of a request to adopt text amendments to the Chatham County Subdivision Regulations to amend the major subdivision process from three steps to four steps. The four steps are concept plan, first plat, construction plan, and final plat. The major subdivision process is proposed to include a community meeting, review by the Planning Board, Environmental Review Board, Appearance Commission, and School Board and the incorporation of environmental standards for development. The amendments also include a voluntary conservation subdivision option to allow for open space conservation and density bonuses, road network connectivity standards, view-shed and buffering standards, and increasing the percentage of work that must be completed before acceptance of a financial guarantee.

The Planning Director explained that there were several changes that have come in today from Board of Commissioners members which were distributed prior to the Board meeting; that the changes have been incorporated into the ordinance which are identified in yellow; and that they are more or less wording changes. He reviewed the proposed changes.

Chairman Lucier stated that the only question he has is that on page 28 where it states that the applicant may request review of the proposed subdivision for the Green Building Task Force and the Chatham County Appearance Commission, he would add to that, if the Board of Commissioners agree, "the applicant, the Planning Department, and the Board of Commissioners may request review of the proposed subdivision for the Green Building Task Force and Chatham County Appearance Commission". Commissioners Vanderbeck, Kost, Cross, and Thompson agreed.

Commissioner Kost moved, seconded by Commissioner Thompson, to adopt **An Ordinance Amending the Subdivision Regulations of Chatham County** (with the noted request), attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Text Amendments to the Chatham County Watershed Protection Ordinance: Consideration of a request to adopt text amendments to the Chatham County Watershed Protection Ordinance to provide increases in density to accommodate conservation subdivision density bonuses in the Chatham County Subdivision Regulations

Commissioner Thompson moved, seconded by Commissioner Vanderbeck, to adopt **An Ordinance Amending the Watershed Protection Ordinance of Chatham County**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Text Amendments to Chatham County Soil Erosion and Sedimentation Control Ordinance: Consideration of a request to adopt text amendments to the Chatham County Soil Erosion and Sedimentation Control Ordinance to reduce the minimum land disturbance requiring an erosion and sediment control permit from 1 acre to 25,000 square feet, require a residential lot disturbance permit for residential lots disturbing less than 25,000 square feet, and modify erosion and sediment control plan design standards. Amendments also include design standards for gradual slopes and moderate slopes and to prohibit development on steep slopes.

Commissioner Vanderbeck moved, seconded by Commissioner Thompson, to adopt the **Soil Erosion and Sedimentation Control Ordinance**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Chatham County Stormwater Ordinance: Consideration of a request to adopt a Chatham County Stormwater Ordinance to establish minimum requirements and procedures to control the adverse effects of increased stormwater runoff and non-point and point source pollution associated with existing and new developments and redevelopments. The provisions of the ordinance apply to activities that cumulatively disturb more than 25,000 square feet. The ordinance provides design standards for stormwater control features, administrative responsibilities, stormwater management plan requirements, maintenance and inspections provisions, and enforcement provisions.

Commissioner Thompson moved, seconded by Commissioner Vanderbeck, to adopt the **Chatham County Stormwater Ordinance** with the inclusion as presented by the County Attorney, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Recognition of Planning Board and Staff and Environmental Review Board: Recognition of the Chatham County Planning Board and Staff and the Environmental Review Board

The Chairman recognized and thanked the Chatham County Planning Board and the Environmental Review Board for their hard work efforts. He presented individual certificates of appreciation to each participant in attendance.

Elaine Chiosso, on behalf of the Environmental Review Board, expressed their thanks to Chairman Lucier who was the Board of Commissioners' liaison and helped to make a lot of the arduous work happen.

Pittsboro-Chapel Hill Transportation: Discussion and public comment to create a transportation service between Pittsboro and Chapel Hill

The County Manager explained that the Town of Pittsboro and Chapel Hill and Chatham County have been talking, for a period of time, about the possibility of a bus route between Pittsboro and Chapel Hill; and that Steve Spade is in attendance to talk about the proposal and answer any questions that the Board may have.

Steve Spade stated that they appreciate the Board's willingness to place this issue on the agenda; that he commends the Board on the expediency in getting things done quickly on the agenda; that he is also impressed by the Board's efficiency. He introduced Brian Litchfield, Assistant Director of Chapel Transit, whom he explained, had taken the lead in putting together some service proposals; that he would like to thank the Board of Commissioners of their insight, vision, and support in this endeavor on this project; that the community is changing and as population grows and fuel prices increase, transportation becomes more of an issue; that the Board of Commissioners and Pittsboro Town Board have understood that some time ago and began asking if they should begin looking at collaborative ways to improve the transportation system; that they are present tonight because of the foresight and forward thinking of the policy makers and elected officials; that knowing that there was an interest by the officials, one of the things they did in Chapel Hill with Chapel Transit was to make sure they were keeping an eye out for available funding for projects because they know it is difficult and expensive to get transportation services started; that often times, they need an opportunity to do some experimenting with things; that in July, they found that there was a program offered by the State in which they seized the opportunity to submit a grant application; that they were fortunate that the grant was approved; that they were able to come to the table with a project where the federal government picks up 15% of the funding to introduce a new service; that the grant was approved in August; that they have been working on developing some service proposals that the Board of Commissioners might consider; that they would like to update the Board on where they are with gathering information so that they can return to the Board with recommendations for service that the Board might find favorable. He introduced Brian Litchfield, Assistant Director of Chapel Transit.

Brian Litchfield, stated that as Mr. Spade mentioned, they had been working on developing a service proposal and service plan for the Pittsboro to Chapel Hill Express for some time; that most recently, they have done a little more work to develop it more thoroughly; that they had one public forum on November 20th which was well-attended; that they have a couple others scheduled for later this week; that as they further develop the service, there will be additional public forums; that they know how they are going to get the bus from Chapel Hill to Pittsboro along Highway #15-501; that the "Park and Ride" locations, while they feel that the Lowes Home Improvement would be an excellent location, they still need to have a conversation with them solidify it as a "Park and Ride" location; that another request that came out of the public forum in November was a stop in downtown Pittsboro; that that there has been some question with regard to where the stop should be; that they are working with the Town to determine the exact location; that the second thing that came up at the forum was with representatives of Ferrington Village who approached them and asked that the Village be considered as a stop along the route; that there were 4-5 of the 16 at the meeting from Ferrington Village; that at this time, the service is planned to be a commute service working in the peak hours from approximately 6:00 AM – 7:30 AM which would allow arrivals in Chapel Hill on the campus; that evening hours would be approximately 4:30 PM – 6:30 PM to Pittsboro; and that there is a more in-depth summary on the sheet he distributed.

Commissioner Vanderbeck stated that he noticed that Chapel Hill Transit will provide a guaranteed rides home service during the mid day and asked how this would work.

Mr. Litchfield stated that since they would be offering the service during the peak hours (AM and PM), the question always arises as to what if they have a sick child, or a rider gets sick and needs to get home in the middle of the day; that they would develop a "Guaranteed Ride Home" so that if some type of emergency develops, the rider would give them a call and they would guarantee that they would be there within a half hour to forty-five minutes and take them back to their "Park and Ride" location or to their stop in downtown Pittsboro; that way they would not be stuck in Chapel Hill; and that there would be no additional charge for that service.

Commissioner Vanderbeck asked if they were going to work with Triangle Transit and Chatham Transit Network and take advantage of some regional connections so that if that call came in, they could work something out that they could try and conserve their resources.

Mr. Litchfield stated that they had had some conversations with the Triangle Transit folks; that there will be some connections with their services once folks make it into Chapel Hill; that they are also very much interested in working with the Chatham services, as well, to see if there is some way they can supplement the service they are providing or maybe provide additional services; and that they have had some preliminary conversations with them, but nothing more.

Commissioner Vanderbeck mentioned, for the public's information, that this is like a first leg of this; that he is on the Regional Planning Organization with Mayor Voller (chair) and not to feel that they are leaving anyone out; that they would eventually like to see transportation go to Siler City and from Siler City to Lee County so that they are all connected; that that is in the works as funds and resources allow them to continue; and that they are looking forward to a very successful operation together and hope to save riders money and time.

Chairman Lucier asked about the estimated eighteen-month cost period and the local share for that, after the federal grant, which he stated is \$176,356. He asked if that number included ridership.

Mr. Litchfield explained that it did not include any fares; that the local and federal portion would be reduced by any fares that would be collected; that they are suggesting that the fare for the service be \$3.00 one-way or \$65.00 for a monthly pass; and whatever fares are generated, they would be subtracted from the local and federal shares.

Chairman Lucier asked if there was a timetable in which to get it started. Mr. Litchfield stated that it would be early 2009; that are some issues that need to be finalized which include the "Park and Ride" location, the downtown stop location, funding details, and implementation schedule (including future public forums and marketing efforts); that once they are finalized, they can move forward; and they have the busses and drivers ready to go.

Chairman Lucier stated that the Board of Commissioners would need to talk with the Town of Pittsboro to work out some of the financial details. Mr. Litchfield replied that they had a similar meeting with the Town of Pittsboro next Monday, December 8th at Town Hall. He stated that they would need the Board of Commissioners' input after their meeting with the Town.

Chairman Lucier stated that part of the Briar Chapel application was subject to the Compact Community Ordinance which basically requires that they supply a "Park and Ride" place; and that there will potentially be 2,400 houses in Briar Chapel.

Commissioner Kost asked how they will measure success. She stated that she hoped that the Town and the Board of Commissioners would receive periodic updates on the ridership in order to monitor how it is going; and she would like to know who is responsible for marketing to make sure that they do get the ridership.

Mr. Litchfield stated that he had heard a lot of good questions; that first and foremost, as far as measures of success, as they develop service, they typically develop measures whether it is riders per hour, riders per mile, costs per hour, costs per mile, etc.; that as the service develops, they say that those are the benchmarks that they would like to hit; that it is usually fairly easy for them to hit when they are providing service in Chapel Hill; that this is their first venture outside of their boundaries; that they have an idea of what some of the benchmarks might be, but really don't know until after they have had an entire month of ridership to determine those completely; that the bottom line comes down to ridership; that as the service develops, they will have a better idea of what the benchmarks will look like; that they will provide the County and the Town with monthly reports that detail the ridership; and that they can go to whatever level of detail that either of the entities would prefer.

He stated that with regard to marketing, part of the money that is showing in the total operating costs for the first eighteen months, would be a joint effort between the County, Town, and Chapel Hill Transit; that they have staff that does marketing for the rest of the system; and that he thinks they would handle most of this.

Loyse Hurley, President of Chatham Citizens for Effective Communities (CCEC), stated that she wanted to point out that there is tremendous interest in this in Bynum; that they may want to consider them as a part of the plans.

Chairman Lucier stated that the hardest part of servicing Bynum would be finding a suitable stop. Ms. Hurley stated that the citizens of Bynum have come up with lots of suggestions; that they are now trying to assess which ones would be appropriate; that have more or less vetoed the stop on Highway #15-501 because of the traffic hazards, but are considering an internal loop into Bynum; and they are extremely interested in ridership.

Mayor Voller stated that this is one of these places and times that we have an opportunity, having served on the Rural Planning Organization, to have the opportunity to get the grant to pursue the transportation; that it is a real opportunity for economic development to do something for the citizens to show that cooperation can equate to putting something on the ground that people need; that there are people who want and can get jobs at UNC Hospital, etc. but do not have transportation to get there; that these are folks who have incomes of less than \$30,000-45,000 per household; that without transportation, they are forced into taking jobs below their qualifications because they cannot get there; that it would be great to have a bus service that starts with this one lynchpin and branches out to Siler City, Sanford, Pinehurst, etc.; that if they can get people using the service, that he feels that it will be beneficial to all citizens; that he wonders, if at some point, the busses can provide internet access which would encourage modern commuters to use the service; that smart bus stops to inform the public of current events should be looked into; that this is a chance for the Town and County to do something to put them ahead of the game; and that he feels that the Economic Development Commission should be the likely one to market this because it is a form of economic development providing a way for people to get to jobs and to visit the great things of Chatham County and beyond. He stated that he feels that his board would be very supportive but that strong leadership will be needed from everyone involved to form this partnership.

Chairman Lucier stated that there would be no action taken tonight, that this was to get everyone up-to-speed on the issue.

Staff Appreciation for Ordinance Work:

Chairman Lucier stated that he had inadvertently forgotten to acknowledge the work efforts of the Planning Department Staff and Environmental Review Board on the ordinances, including Mr. Megginson and his staff to create the final products; that he knows it has been a stressful time; that he wanted to thank the Major Corridor Ordinance, John Graybeal, chair, and Fred Royal, Attorney Jep Rose and his colleague Mr. Sullivan and the many others for their assistance. He also thanked the citizens of Chatham County who participated in the forums and public hearings and gave input. He stated that he feels the Board listened and made changes in response to the citizens' concerns.

MANAGER' S REPORTS

The County Manager reported on the following:

Proposed CIP:

The County Manager stated that the work session on December 15, 2008 is dedicated primarily to the Capital Improvements Plan (CIP).

Renee Paschal, Assistant County Manager, explained that they did not make a lot of changes to last year's CIP because of the economy; that there are only two new projects that have been introduced in the CIP; that one of those is in another year and one is next year; that they tried to be conservative; that some of the projects that were in last year's CIP have been moved to the section called "Future Projects"; that they are still working through some of those and they felt it was best to wait and see how the economy shakes out; that she has a better idea of revenue and expenditures in January and February, 2009 when the Board holds its Summit; that things like Fund Balance will be further refined when we get to that point; that all of the CIP, when the Board adopts the CIP, is tentative based on the upcoming year's

revenues; and that they do not have as clear a revenue picture as they would like when presenting the document today.

The County Manager stated that the meeting will be held on December 15, 2008, 9:00 AM, in the Henry H. Dunlap, Jr. Building Classroom and that the CIP will be placed on the web for viewing.

COMMISSIONERS' REPORTS

Commendation of Chairman Lucier:

Commissioner Thompson commended the efforts of Chairman Lucier during the process of amending the various ordinances. He stated that the Chair displayed a lot of leadership in helping to bring it to fruition.

Solid Waste Advisory Board Committee:

Commissioner Thompson moved, seconded by Commissioner Vanderbeck, to appoint former Commissioner Patrick Barnes to the Solid Waste Advisory Board as a representative of the general public. The motion carried five (5) to zero (0).

Child Fatality Prevention Team Reappointment: Consideration of a request to reappoint a member to the Child Fatality Prevention Team by Chairman Lucier

Chairman Lucier moved, seconded by Commissioner Vanderbeck, to reappoint Deborah Garner to the Child Fatality Prevention Team. The motion carried five (5) to zero (0).

Board Summit: Consideration of a request to set date of Board Summit

By consensus, the Board agreed to hold their Board Summit on February 4th and 5th, 2009 beginning at 9:00 AM.

ADJOURNMENT

Commissioner Vanderbeck moved, seconded by Commissioner Thompson, to adjourn the meeting. The motion carried five (5) to zero (0), and the meeting was adjourned at 7:28 PM.

George Lucier, Chairman

ATTEST:

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