

**MINUTES**  
**CHATHAM COUNTY BOARD OF COMMISSIONERS**  
**WORK SESSION**  
**NOVEMBER 03, 2008**

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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 10:00 AM on November 03, 2008.

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

The Work Session was called to order by the Chairman at 10:08 AM.

*Work Session Agenda*

1. Economic Development—Joint Elected Boards Discussion
2. Revaluation
3. Discussion of Chatham County Business Park
4. Discussion of submitting comments on the proposed NCDOT designated truck routes in Chatham County
5. TARPO Regional Recommendations
6. 15-501/64 Bypass Intersection
7. Water Updates

**LUNCH BREAK**

8. Environmental Review Board Recommendations regarding:
  - a) Stormwater, Watershed and Erosion and Sedimentation Control Ordinances
  - b) Jordan Lake Nutrient Rules Recommendations
  - c) Rocky River Basin Wide Study
9. Chatham County Human Relations Commission Annual Report
10. Budget Items:
  - Non-profit Allocation Process
  - Public Input in Budget Process

Chairman Lucier stated that the work session agenda would be followed as listed.

**ECONOMIC DEVELOPMENT – JOINT ELECTED BOARDS DISCUSSION**

Dianne Reid, Economic Development Director, stated they had rescheduled the Joint Boards meeting to Thursday, November 18, 2008 at 6:30 PM in the Multipurpose Room at Central Carolina Community College (CCCC); that the invited Boards included the Board of Chatham County Commissioners, the Town Boards of Pittsboro, Goldston and Siler City, the Chatham County Board of Education, and the Economic Development Commission (EDC); that the meeting would be a work session where they would ask people for their ideas and priorities for implementation; that given what was happening in the national and international economy, it was critical that they get to work; that this Board had been given a copy of the draft Resolution in Support of the Chatham County Economic Development Strategic Plan; that partnerships with a number of other organizations would be necessary to get things done; and, that the draft resolution would be distributed broadly and other organizations would be asked to adopt it and become partners with the Plan.

Chairman Lucier asked if Ms. Reid wanted the Commissioners to act on that draft resolution today. Ms. Reid stated if they choose to do so they could, or they could wait. Chairman Lucier suggested receiving the draft resolution today and acting on it on November 17<sup>th</sup>. He stated that having the elected boards and other organizations working together would be critical to the success of the EDC’s Strategic Plan; and, the upcoming joint meeting was

inordinately important to the County and a chance for everyone to work together in a positive way to stimulate economic development.

Commissioner Cross stated that November 18<sup>th</sup> was a Tuesday, not a Thursday. Ms. Reid stated the meeting was scheduled for November 18<sup>th</sup>, so she must have gotten the day wrong. She stated she had also provided the Board with a copy of the Executive Summary of the EDC Strategic Plan, and would leave extra copies for distribution; that she would like the Board to begin thinking about what individuals might need to be involved in the process; that the Plan called for the creation of three committees which were Attractions, Retention, and Entrepreneurship; that at the November 18<sup>th</sup> meeting, they would be asking for suggestions on key leaders that needed to be involved in those committees, whether they be business leaders, civic leaders, or others; and, much of the effort would rely on volunteers.

Chairman Lucier stated it also would be important that the volunteers on these committees were representative of the entire County, so special attention would have to be paid to make sure they were geographically balanced because the economic needs of some parts of the County were very different from other parts; and, that the local governments of other parts of the County needed to be aware of that so that the committees were balanced. Ms. Reid stated that the meetings held as part of the strategic planning process showed that the vision of what economic development should be varied widely across communities, and agreed that balanced geographic representation was critical.

Commissioner Vanderbeck asked if there was a template for any qualifications of members to the three committees. Ms. Reid responded that one of the EDC Executive Committee members was drafting job descriptions for the volunteers, and hoped to have broad outlines of the goals for each of the committees available at the meeting on November 18<sup>th</sup>. Commissioner Vanderbeck stated it would be good to have it prior to the meeting so that they could begin thinking about who might be appropriate to serve.

Chairman Lucier stated that one of the things they would like to lead into from this initial conversation on November 18<sup>th</sup> was to perhaps schedule or discuss the framework for a subsequent meeting on water and sewer; that informal meetings had been held but he believed a more formal meeting was needed in order to decide how to best move forward with coordinating water and sewer issues between the local governments and the County; and, that water and sewer issues were integral to economic development. Ms. Reid stated that all infrastructure issues were certainly important to economic development.

## **REVALUATION**

Chairman Lucier stated the issue was whether to delay or not delay the scheduled revaluation; that at the last meeting there were two Commissioners leaning towards delaying and two others leaning towards not delaying, with one Commissioner undecided; and, that they had all agreed they wanted more information as to the cost of delaying as well as to receive the County Manager's thoughts given it was his initial idea to put delaying the revaluation before the Board for consideration.

Charlie Horne, County Manager, stated that Ms. Stone had received additional information that had been provided to the Board, and she expected there may be some additional information coming from the NC Department of Revenue later this week.

Tina Stone, Tax Administrator, stated she had spoken to the Department of Revenue and they had agreed to do the sales ratio study for Chatham County using the 2008 sales to determine where they would be in 2009; that only sales through October would be used; that those figures would not be available until Wednesday; and, that and other information could be provided to the Board at its meeting on November 17<sup>th</sup>.

Commissioner Vanderbeck stated in speaking with the Department of Revenue a few weeks ago, he was told the County could go ahead and do the Schedule of Values, and if you had to "pull the plug" you could still do that later on. Ms. Stone stated that "pulling the plug" caused a reprogramming issue, because there was a lot of data that may have to be rekeyed depending on what could be done in the reprogramming so that they would be on the 2008 rate; and, they would need time to do that in order to have everything ready by January.

Chairman Lucier asked was it her feeling the Board could wait until November 17<sup>th</sup> in order to get the additional information in hand regarding the sales ratio. Ms. Stone responded yes, but they would still have that two-week limbo. She stated it would be beneficial for her office given the work that would need to be done, but regardless of the Board's decision, they would still have a lot more work to do with programming so that data was not lost. Chairman Lucier stated when the Board adopted the Schedule of Values, there was a time period that had to elapse. Ms. Stone stated that the Schedule of Values had to be advertised for 30 days so that people could appeal to the Property Tax Commission, which had to take place prior to January 1<sup>st</sup>.

Chairman Lucier stated for example, if the Board adopted a Schedule of Values on November 17<sup>th</sup>, would that announcement go out immediately so that by December 17<sup>th</sup> that 30 days would be satisfied. Ms. Stone stated that would satisfy the statute. Chairman Lucier asked would the Board need to take any subsequent actions after that 30 days had elapsed. Ms. Stone responded no. She stated that there was no way to know what effect the economic downturn would have on the sales ratio until the new data was received. Chairman Lucier stated that was a critical piece of information, noting that at present it stood at 88.63% for 2008, which was under the 90%, but if it were at 90.1% they would not lose anything. He stated given the economic volatility, it would be good to get some advice from the Department of Revenue on what the economic downturn meant to that sales ratio; that if the Department of Revenue thought the County would not be under that 90% threshold then it may make sense to delay the revaluation; that it was estimated that the cost could be as much as \$750,000 to the County in terms of loss of revenue from utilities; that when the Board had first discussed delaying the revaluation, they had not realized the magnitude of that financial impact; that the cost was not trivial because of other costs associated with delaying the revaluation; that he believed there was a convincing argument to go forward as well as a convincing argument to delay; that it was critically important to have the best estimate of what the financial impact would be before the Board made that final decision; and, that waiting to make that decision on November 17<sup>th</sup> would allow time to receive the information from the Department of Revenue.

Commissioner Thompson agreed, stating that information was pertinent and believed the decision should be held until November 17<sup>th</sup>.

Commissioner Barnes stated he would like to hear the County Manager's thoughts. Charlie Horne, the County Manager, stated that during the initial discussion he had said the harder question to answer was to delay or not delay based on the bottom falling out of the economy; that he had now changed his mind on that question; that the bureaucratic side, the regulatory side, of him said they had rules and they should stay on schedule; that on the other hand there was much data that suggested that they may not have as accurate an appraisal of the process as they should have given the implosion of the national economy; that he agreed it would be helpful to get the additional data from the Department of Revenue so they could be as accurate as possible; that he had heard last week that the national survey done on mortgages was upside down, meaning that the mortgages had a higher value of about 20% more than the house that was mortgaged; that the survey suggested that Chatham County was likely a part of that and he believed intuitively that was probably the case; that this economy had had a huge impact on working people; that he had suggested delaying, not deferring, the tax bill to allow people time to be able to afford the tax bill when it was received; and, that he believed the data the Department of Revenue would supply to them would help in making that decision.

Chairman Lucier stated he believed the County Manager was correct, noting the issue of delaying or not delaying might disproportionately impact one part of the County versus the other because housing prices were declining in one area but not the other.

The County Manager stated there was a logic that said those who wanted to appeal the higher revaluation would do so, but there were many people in the County who could not articulate that nor did they have funds to get help in articulating the appeals process once that process took place. He stated it could have a dramatic impact both ways.

Chairman Lucier stated he believed a final decision would need to be made on November 17<sup>th</sup>, so any additional information received at that time would be helpful in making that final decision. Ms. Stone stated she would forward information to the County Manager as soon as it was received so that it could be shared with the Board.

Chairman Lucier determined that the Board agreed by consensus to make the final decision on whether or not to delay the revaluation at the November 17<sup>th</sup> meeting.

### **CHATHAM COUNTY BUSINESS PARK**

Chairman Lucier stated that the County had likely spent about \$9 million on the Business Park over the last four to five years. The Finance Officer stated it was just over \$8 million. Chairman Lucier stated that was a tremendous investment for the County as well as an important project; that they were just talking about the importance of economic development and here they had a Business Park that had water and sewer; that he hoped a good job was done in marketing the Business Park so that it could help stimulate the economy; that it had been frustrating given what had happened with the roads; that the necessary materials had not been given to NCDOT prior to the bidding and construction in a way that produced the written approval of the plan; and, given the importance of the Business Park to the County, how could they move the project forward in such a way that the costs to the County were kept at a minimum. He thanked the representatives from NCDOT that were present tonight to talk with the Board about this project and what needed to be done in order to move forward.

Tim Johnson, NCDOT Division Engineer, introduced Jeff Picklesimer, NCDOT Division Maintenance Engineer; Reuben Blakley, NCDOT District Engineer; Jennifer Britt, Assistant District Engineer; and Justin Bullock, Assistant District Engineer. He stated as far as where to go from here, any type of direct action to try to bring the Business Park up to NCDOT standards would be a mighty huge cost to the taxpayers of Chatham County. Mr. Johnson stated there were two options that might be considered, and he would describe the one that carried the least cost first.

Mr. Johnson stated the least costly option would be to maintain this Chatham County asset by having some type of bond with the County's engineering firm or contracting entities, to contract for maintenance as the County saw fit, and to perhaps work out an agreement with NCDOT as far as ice or snow removal if needed. He stated he believed that would be a question for the County Attorney to weigh in on, but he did not believe doing that would violate any State statutes because the road system would simply be a facility that was a part of the asset that the County owned.

Mr. Johnson stated the second option would be to try to correct the issues to bring the roads up to NCDOT standards. He stated in essence the problem in getting the roads up to NCDOT standards so that they could accept the project was that the water line under the Loves Creek Bridge would have to be removed.

Chairman Lucier asked was it correct that they would have to bore under it. Mr. Johnson stated they could bore under it, or they could use concrete piers and go airborne over the creek. He stated that most people took the option of boring under because it was more attractive, and piers could cause problems over time as far as settling.

Mr. Johnson stated there was also the issue of NCDOT creating the columns that were in the water, which in turn created an environmental purview by the Army Corps of Engineers; that in their experience, when they had columns in a waterway then a permit was required from the Army Corps of Engineers and perhaps a water quality permit as well; that NCDOT would need certifications from every environmental purviewing agency involved in order to ensure that all environmental requirements or issues were satisfied; that the culverts had never been approved, although there was some conversation about them; that the engineers had proposed a fix on two of the culverts, which required putting in a pipe that would fit within the existing footprint of the culverts that currently existed; and, that they would also have to fill in the cavity between the new pipes and the existing culvert with a cement mixture.

Mr. Johnson stated that the problem from NCDOT's perspective was that there were issues with all seven of the culverts; that the footings were not founded on non-scourable rock, but were founded on weather rock which when exposed to water, disintegrated; and, that to fix that problem to NCDOT standards would require various permits from DWQ, perhaps Land Quality, the Army Corps of Engineers, and possibly others.

Mr. Johnson said there were also issues with the water and sewer lines running under the pavement, and the County had a letter dated October 25, 2006 where that issue was addressed.

Chairman Lucier asked if those water and sewer lines were running under the full distance of the road or just part of the road. Reuben Blakely responded just part of the road.

Commissioner Barnes stated he had a letter from Mr. Johnson dated January 7, 2008, where Mr. Johnson had spelled out the issues being presented tonight.

Chairman Lucier stated the Board also had a letter sent to former Board Chair Bunkey Morgan in 2006 which stated the same thing. Mr. Johnson stated that was the letter to which he had referred.

Chairman Lucier asked Mr. Johnson if he had any idea of what the rough costs would be to correct some of the issues he had described to bring the project up to NCDOT standards. Mr. Johnson stated he did not know, but suspected it would be several million dollars for all of the items.

Chairman Lucier stated apparently construction had begun in the spring of 2006 on many of the items at issue. Mr. Johnson stated that was correct, noting that evidently work was done on the plans but the plans when finalized were not sent to NCDOT as part of the approval process.

Commissioner Barnes stated he had a copy of the bid, and the bid opening had occurred on Thursday, April 13, 2006 at 2:00 PM; that the successful bidder was Sanford Contractors; and, that construction had begun approximately 30 days after that. He stated that according to the documentation by NCDOT, they had not received the plans until after it was bid and construction began.

Commissioner Vanderbeck stated then the water and sewer lines were already under the road at that time.

Commissioner Barnes stated in December, seven months later, five sets of plans and calculations arrived at the district office of NCDOT. He said that NCDOT had not received the plans until seven months after the project was bid and construction began.

Chairman Lucier stated that Mr. Hobbs had said that NCDOT had been contacted and had provided some sort of approval to move forward, but he did not want to get into that because there was nothing in writing to indicate that. He stated the news Mr. Johnson was providing now was not good, noting that a substantial investment had already been made in the Business Park and the County did not have an additional \$2 million to fix the problems and bring everything up to NCDOT standards.

Chairman Lucier stated the Board had the letter that listed the five items that were problematic from NCDOT's perspective, one of which was that the cross line storm drainage structures should have a 2 to 1 slope. He asked exactly what was meant by that, and did that occur throughout the park or in just one area. Mr. Blakley responded that the 2 to 1 slopes referenced from the shoulder point of the roadway, which should slope 2 to 1 down to the top of the culvert. He stated what was happening now was that the culverts were shorter than that so there were large retaining walls to hold the slope back, and what NCDOT would require would be to stretch the slope out and extend the culvert to accommodate the 2 to 1 slope.

Chairman Lucier asked where that would be required. Mr. Blakley replied at every culvert site. Chairman Lucier stated that would obviously be a substantial cost.

Mr. Johnson stated the issue of the culverts had been an ongoing issue, but the fact of the matter was that the culverts were never approved and needed to be removed. He stated that the actual footings and the retaining walls were not to NCDOT standards.

Chairman Lucier stated he was trying to understand the bullet items listed in the letter, noting he understood the issue with the open culverts and the water line with the bridge over Loves Creek. He said regarding the statement that manhole valve boxes, air release valves and other appurtenants should be removed out from under the pavement, were there many situations like that. Mr. Blakley stated those were also at the culvert sites; that the retaining walls had geogrid that come out into the shoulder area; that when the geogrid was put in place they were not able to put the sewer line in the shoulder because it would interrupt the geogrid; and, that at

all of the culvert sites the sewer comes out into the pavement and then goes back into the shoulder area.

Chairman Lucier asked if Mr. Hobbs wanted to add any comments. Fred Hobbs, Hobbs, Upchurch & Associates, stated that the Board had already heard his comments many times, and he and Mr. Hughes continued to work to try to solve the issues at the Raleigh level at NCDOT. He stated he did not believe this was the place to dispute any of the comments made today.

Chairman Lucier stated that as the Board deliberated further on this issue, they would likely have to do that in a Closed Session. He stated it was important that the Board understand the nature of the problems and what the options were to remedy them, and that was the purpose of today's discussion. Chairman Lucier noted that the Board would be discussing other road issues and invited Mr. Johnson and the other NCDOT representatives to stay and perhaps join in those discussions.

### **NCDOT DESIGNATED TRUCK ROUTES IN CHATHAM COUNTY**

Chairman Lucier stated the last time this was discussed the Commissioners had expressed some concern about the addition of many of the roads into the truck route network, which were:

- US #64 from the Wake County line to the Pittsboro US #64 Bypass
- Pittsboro US #64 Bypass from US 64 east of Pittsboro to US #15-501
- US #64 Business in Pittsboro
- US #15-501 North from the Pittsboro US #64 Bypass to the Orange County line
- NC #42 in Chatham County (both eastern and western sections)
- NC #87 from US #64 Business in Pittsboro north to the Alamance County line
- NC #902 from US #64 Business in Pittsboro south to NC #22
- NC #22 in Chatham County
- NC #751 in Chatham County, from US #64 to Durham County Line

Chairman Lucier stated that apparently the only one that was designated for further study was the NC #751 route; that one of the issues was that if a business was located on a non-designated truck route but had to accept deliveries by truck, then those delivery trucks would have use of the road. Mr. Megginson replied that was his understanding, adding that deliveries would be allowed. He stated that trucks were allowed to come off of a designated truck route and travel up to three miles, but if a business was already located outside of that three mile area then the delivery trucks would be allowed to go where they needed to go.

Chairman Lucier stated then whether or not they had these truck routes, it would not affect any business in the County. Mr. Megginson stated it should not affect existing businesses unless there was another route they could use and they wanted to use a different one as a thru route. He stated the truck routes were more for thru routes through the County. Chairman Lucier stated then the routes were meant to allow trucks to get through the County and not necessarily into the County. Mr. Megginson replied that was correct.

Commissioner Thompson asked was there a legal consequence if he as a trucker decided to take a route but was not delivering to any businesses on that route, and did it on a consistent basis and told others about it so they did it was well.

Commissioner Vanderbeck stated that a trucking company could apply for an exception from NCDOT for a road to be added to the network or for a permit to allow them to drive on one that was not in the network.

Mr. Megginson stated that someone would have to notice where trucks were traveling and any problem associated with that, and report it to the Highway Patrol who could perhaps ticket a trucker.

Chairman Lucier stated he understood the use of four-lane roads as truck routes. Mr. Megginson stated the concerns were with the two-lane facilities and structurally whether they could handle truck traffic on a regular basis. Chairman Lucier stated he did not see any benefit to the County to add those two-lane roads.

Commissioner Thompson stated as an example, he knew there had been some resurfacing of parts of NC #902, but as you traveled through Bear Creek past Chatham Central High School towards the Bennett area, he did not believe any work had been done. He stated there would be a question of the structural integrity of that road over a long period of time, not to mention that the road had many curves and hills. Commissioner Thompson said that was the type of highway where he did not believe they would want to see an increase in truck traffic because of the possible increase in danger to the public.

Commissioner Vanderbeck stated he had a problem with US #15-501 North to Orange County, which may be contraindicated considering the many traffic lights already there and those planned to be added; that he did not believe a trucker would save any time trying to use that road; that on some of the other roads there were scenic issues; that this was a rural county and the County banked on its ruralness to some extent; that there were safety and pollution issues and the more expensive carbon addiction; that the County did not need to be an enabler in having cut-thru traffic; that he would rather see their investment be not in more pavement but that they look towards rail to move freight; that he would not want to stand in the way of business, and if the County wanted at some point to change a designation then he would want them to be heard by the State; that he also worried about the cost of maintaining truck routes; that it seemed like NCDOT as well as other State agencies were compromised in these tough economic times; and, that it may fall to the counties to provide maintenance on those roads and he did not want to be in that position.

Chairman Lucier stated perhaps it would be helpful to go through the roads one by one and note any objections that Board might have.

- US #64 from the Wake County line to the Pittsboro US #64 Bypass

None of the Commissioners expressed any issue with that roadway being added to the NC Truck Network.

- Pittsboro US #64 Bypass from US #64 east of Pittsboro to US #15-501

None of the Commissioners expressed any issue with that roadway being added to the NC Truck Network.

- US #64 Business in Pittsboro

Commissioner Vanderbeck stated “forget about it.”

Commissioner Thompson stated he was surprised that road was even on the list. Mr. Megginson said he believed that was for connectivity to US #15-501 South.

Chairman Lucier stated he did not agree with it either, and suggested drafting a response to NCDOT indicating that further study was needed.

Commissioner Thompson stated that NC #42, the western portion and likely the eastern portion, and NC #902 and NC #22 that connected to #902 were all two lanes, and he would have the same concerns as expressed earlier.

Chairman Lucier stated then he would put #42, #87, #902, #22 and #751 all together. Commissioner Thompson responded that was correct.

Commissioner Barnes stated there was no way to have #751 as a non-truck route, because it was a truck route going towards Durham and there was no way to take that off the route.

Commissioner Thompson stated he believed that road had already been designated for further study because of the significant traffic increase.

Commissioner Barnes stated he believed there was some signalization being added down by O’Kelly Church Road, noting that was a fairly dangerous area.

Chairman Lucier stated trucks had been able to use that road for years without this official designation, and did not know why they would not be able to continue to use it.

- US #15-501 North from the Pittsboro US #64 Bypass to the Orange County Line

Commissioner Barnes stated there was no way for that not to be a truck route, because if you were going to Chapel Hill or Sanford, then #15-501 was the route to take. He stated that #15-501 in Pittsboro had no bypass so you had to go through Pittsboro to get to Sanford.

Commissioner Vanderbeck stated he understood that trucks went through there but he did not want to encourage more thru traffic

Chairman Lucier stated they were talking about #15-501 from the Pittsboro #64 Bypass, so that would be the #15-501/64 intersection north of the County line. He stated if someone was going to Chapel Hill either west or east from #64, they would take #15-501.

Commissioner Barnes asked how would you get from Chapel Hill to Sanford and not use #15-501.

Chairman Lucier stated that was not something they had to consider. Mr. Megginson stated that was already on the truck network, that is, #15-501 from town south to Sanford. He stated what he believed Commissioner Barnes was referring to was if you had to get from Pittsboro to Sanford or from Sanford to Pittsboro to continue north, that if you left that section off then it would not be a designated truck route.

Commissioner Cross stated it would not make sense when talking about truck routes not to have that connectivity with #15-501.

Chairman Lucier stated he believed Commissioner Barnes was saying yes to the first two roads in the bullet list, and was saying no to US #64 Business in Pittsboro; and, that for US #15-501 North from Pittsboro, Commissioners Cross and Barnes would say yes but Commissioner Vanderbeck would say no.

Commissioner Thompson asked how trucks had been getting from Chapel Hill to Sanford up to now. Commissioner Cross responded by using #15-501. Commissioner Thompson stated he proposed they let them keep doing it.

Commissioner Barnes stated that if you were traveling up #64 and wanted to go to Sanford you would have go through Pittsboro and use #64 Business around the courthouse to do so. He said the same would be true if you were coming from the north.

Commissioner Thompson agreed, but added you had to create a situation where people could get from Chapel Hill to Sanford, and the question was if they agreed to the designation then truck traffic would likely increase coming through Pittsboro.

Commissioner Barnes stated that traffic had been coming through Pittsboro for many years.

Commissioner Thompson stated he made a good point, and did not believe it would make any difference since it had already been happening.

Commissioner Barnes stated the trucks they would see would not be out-of-State trucks but more local trucks driving from Chapel Hill to Pittsboro to Sanford using #15-501.

Chairman Lucier stated that local traffic would use that route in any case, regardless of whether it was a designated truck route. He stated that he believed the Board would agree with US #64 from the Wake County line to the Pittsboro US #64 Bypass, and Pittsboro US #64 Bypass from US #64 east of Pittsboro to US #15-501; that they would ask for more study on US #64 Business in Pittsboro, NC #42, NC #87, NC #902, and NC #22; and, that NC #751 was already designated for more study and the Board would support that. He stated the only difference of opinion on the Board was the US #15-501 North from the Pittsboro US #64 Bypass to the Orange County Line. Chairman Lucier asked if the Board wanted to vote on that together or vote on each one separately.

Commissioner Vanderbeck stated if the majority wanted to do that, then that was fine.



Chairman Lucier asked Mr. Johnson if he believed the Board was moving in the right direction. Mr. Johnson suggested that the Board have someone from NCDOT's traffic engineering branch come and provide some thoughts on how they arrived on those particular routes.

Commissioner Vanderbeck stated that unfortunately, they needed to make a decision by November 15<sup>th</sup>.

Chairman Lucier agreed they needed to decide on this issue today, but thought Mr. Johnson's suggestion was a good one since these studies would likely take some time to complete. Mr. Johnson stated that was correct, adding he believed this was a result of legislation that was recently passed.

Chairman Lucier stated they should go ahead and vote on that, then ask if at some point in the future a NCDOT engineer who was involved in developing these plans could come before the Board to provide some additional understanding on how the routes were arrived at. He stated that what the Board had discussed would allow east-west/north-south traffic through Chatham County along with the existing #421 route and the Route #1 routes.

Mr. Megginson stated that at the last meeting, the Board had requested input from Pittsboro and Siler City, but no comments had been offered. He noted that Mr. Strong from the RPO was present and may have something to add.

Patrick Strong stated that the status of NC #751 from #64 to the Durham County Line was under consideration to allow double trailer units, which was why it was marked for further study. He stated that route was authorized for single tractor truck/single trailer units, and what NCDOT was proposing was to allow the two, 28-foot trailers to operate along that route in addition to the tractor trucks currently allowed.

Commissioner Barnes moved, seconded by Commissioner Cross, to approve Item #1 (US #64 from Wake County Line to the Pittsboro US #64 Bypass), Item #2 (Pittsboro US #64 Bypass from US #64 east of Pittsboro to US #15-501), and Item #4 (US #15-501 North from the Pittsboro US #64 Bypass to the Orange County Line) and ask for further study on the remainder. The motion carried three (3) to two (2) with Commissioners Thompson and Vanderbeck opposing.

Commissioner Thompson stated his opposition was his understanding that by designating the roads for trucks it would allow double trailers.

Commissioner Cross stated that was only on NC #751, but not US #15-501.

Chairman Lucier stated the future study was related only to NC #751. Commissioner Thompson stated he had misunderstood that, but believed he would leave his vote as opposed because to vote in favor would promote more traffic on US #15-501. He added he was in agreement with the other two roads.

Chairman Lucier stated that in any case, the motion was adopted.

### **CHATHAM COUNTY BUSINESS PARK**

The Finance Officer stated that in order to get the contractors paid, the Board would need to adopt a budget amendment and agree to the Change Order.

Chairman Lucier asked for a brief summary of the background, the amount, where it would come from and how it would be paid. The Finance Officer stated that Mr. Hughes had all those numbers and she would tie those in when Mr. Hughes made his presentation.

Chairman Lucier suggested dealing with the TARPO recommendations for the US #15-501 and #64 Bypass intersection before hearing from Mr. Hughes.

## **TARPO REGIONAL RECOMMENDATIONS**

Chairman Lucier stated that he believed everyone was comfortable with those recommendations.

Commissioner Vanderbeck stated the question was whether or not to change the priority, noting that the Pittsboro bypass was number one, and NC #751 was number three. Mr. Strong stated that number two was US #15-501 from Pittsboro to Sanford.

Chairman Lucier stated that had been discussed at a previous meeting and believed the Board had been comfortable with it; that the reason for not having it on the Consent Agenda was to discuss whether or not they could add improvements to the US #15-501/64 Bypass intersection; that the reason was that with all the new development in that area the traffic had dramatically increased; and, that he did not know what sort of improvements would rectify the problem but the traffic was becoming a significantly increasing issue. Mr. Strong stated that was shown as item 17, but the County could add it to the County's resolution to ask for a study of the turning movements on both sides of that interchange and whether it warranted signalization.

Chairman Lucier stated then they needed to do two things: they needed to approve the TARPO regional recommendations, and add to the County's list the US #15-501/NC #64 Bypass intersection. Mr. Strong stated that would be the appropriate approach, and the two motions could be coupled together.

Mr. Johnson stated he believed the quickest way to get an NCDOT response would be a simple letter from the County Manager describing the problem at the intersection, and then NCDOT would begin a traffic study to determine what actions would be appropriate. He said then they would try to determine if any funding was available.

Chairman Lucier stated the Board should do as Mr. Johnson suggested as well as include it in their motion approving the TARPO regional recommendations. Mr. Johnson stated that would be appropriate. Chairman Lucier stated then the third part of the motion would be requesting the County Manager to send a Letter to Tim Johnson at NCDOT asking for further study of the intersection.

Commissioner Vanderbeck moved, seconded by Commissioner Barnes, to adopt **Amended Resolution #2008-64A in Support of Projects to be Included in the Transportation Improvement Program (TIP) 2011-2017 for Projects in Chatham County in the Triangle Area Rural Planning Organization** with the addition to the attached resolution for a study of the US #15-501 and US #64 bypass intersection. The Board also requested that the County Manager send a letter to Tim Johnson with NCDOT asking for further study. The motion carried five (5) to zero (0). The resolution is attached hereto and by reference made a part hereof.

## **BUSINESS PARK**

David Hughes, Public Works Director, stated that as discussed at the last meeting they had a pending Change Order for \$646,503.90; that they had gone through the entire project with Sanford Contractors and had come up with the "under and over" amounts for each item; that they were asking the Board to consider approval of the Change Order as well as a budget amendment in the amount of \$400,000 to pay for the work that had been done to date; and, that the Change Order covered everything but the Austin Bridge widening. He indicated that amount would be offset by an NCDOT economic development grant that could be applied to the turning lanes at Austin Bridge and NC #64, so there was no additional Chatham County money required.

Chairman Lucier asked if the recommendation was that the Board go ahead and approve the Change Order and the budget amendment at this point. Mr. Hughes replied yes, it was.

Chairman Lucier asked if the NCDOT grant was a fairly sure thing. The Finance Officer stated the County had just recently received a letter from NCDOT indicating they would be receiving the grant.

Mr. Hughes stated that grant could be applied to the entrances, and did not have to be applied to the main road.

Commissioner Barnes asked about the amount of that grant. Mr. Hughes stated it was \$400,000.

The Finance Officer stated they had believed they would get the grant before the project even started. Mr. Hughes stated the question was whether the grant would be applied to the main roadway, and NCDOT had stated it could be applied to the driveway at NC #64. He stated that the bridge had not yet been built, but they assumed it would be built to NCDOT standards and were therefore confident that the grant would be forthcoming.

Commissioner Thompson stated then the Board was looking at a Change Order for \$646,000, and the \$400,000 grant would be applied to that. Mr. Hughes stated that was correct, noting that the remaining \$246,000 was left over from the project already, due to some of the items coming in significantly under budget.

Chairman Lucier stated then in essence it was \$396,000. Mr. Hughes replied that was correct.

The Finance Officer stated they were requesting that the Board approve the Change Order, and then approve the budget amendment to amend the project ordinance by \$400,000.

Commissioner Barnes moved, seconded by Commissioner Cross, to approve the Change Order in the amount of \$646,503.90, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Commissioner Thompson moved, seconded by Commissioner Cross, to amend the project ordinance by \$400,000. The motion carried five (5) to zero (0).

Chairman Lucier stated again, that would be offset by the expected NCDOT grant.

### **WATER UPDATES**

Chairman Lucier stated that Mr. Hughes would be briefly describing issues about the Durham water line and the different options that the Board would have to consider at some point in the future.

Mr. Hughes stated they were looking at what would be needed in the next couple of years; that they were in good shape until then since usage was actually dropping; that they were projecting out what the expected usage might be for the next six to seven years; and, that they had looked at several scenarios and needed to run financial analyses of those.

Chairman Lucier asked would the analyses include any impacts of any of those options on distribution and pressure at various points. Mr. Hughes stated there were some impacts depending on where they took the water and how they moved it at the different hydraulic grades. Chairman Lucier stated then Mr. Hughes would come back to the Board with a set of options which would include cost benefit analyses. Mr. Hughes stated that was correct, adding that right now there were twelve options, and he wanted to pare that down to three or four.

Chairman Lucier asked when those options would be ready for consideration by the Board. Mr. Hughes stated by the beginning of the year, reiterating that he was reasonably confident that they were in good shape for the next couple of years. But, he stated, they knew that they would need to get water from Durham and would also need an additional storage tank somewhere in the southeast portion of the County.

Commissioner Cross asked if they were planning on taking New Elam Church Road at US #1 and connecting it to the southern part of the County. Mr. Hughes stated they were. Commissioner Cross asked if the old tank located there would be a suitable place for the new tank. Mr. Hughes stated they were actually looking at the 3M location right next to the existing tank and almost tying them together so they could use the capacity of the existing tank along with the new tank.

Commissioner Cross asked if they would be putting a new tank on Water Tower Road. Mr. Hughes replied no, that the tank at 3M would serve that need. He stated if they put in

another water tower they would need another pump station. Commissioner Cross asked had he talked with Harnett County. Mr. Hughes stated not yet, but it was at the top of his list.

## **BUDGET ITEMS**

### **Non-Profit Allocation Process:**

Renee Paschal, Assistant County Manager, explained that every year they looked at their non-profit allocation process in order to make improvements; that this year they were asking the Board to make one change; that several agencies with small budgets had indicated that the cost of conducting a financial audit was burdensome; that the County required an audit for all agencies receiving \$10,000 or more from the County; that United Way's requirement was based on the size of the agency budget, and required audit's only from agencies whose income was \$300,000 or more; that their goal was not to match United Way, but to make the process as straightforward as possible with the least amount of burden on the agencies as possible; that she had talked with several accountants in the County who worked with non-profits and had been told that for an agency who received \$10,000 from the County, 10% or \$1,000 of that grant would go towards the cost of an audit; and, that she was recommending that the Board change the audit requirement to match that of United Way. She provided the Board with copies of the revised Certification Criteria and the non-profit funding priorities adopted last year.

Chairman Lucier stated this only affected a small group, and they did not want them to spend the grants the County gave them conducting an audit. He stated that appeared to make sense to him, and agreed that the \$300,000 cut-off was a good place to draw the line and that it was appropriate to be consistent with United Way.

Commissioner Thompson stated the County would still receive the information necessary to do a financial review. Ms. Paschal stated that was correct, noting that the financial review was fairly intensive so taxpayers' dollars would be protected. Commissioner Thompson agreed it would be financially burdensome for small agencies to have to conduct audits.

Commissioner Barnes moved, seconded by Commissioner Vanderbeck, to approve the proposed revised Certification Criteria and adopt the Non-profit Funding Priorities for FY 2009-10 adopted priorities.

Commissioner Thompson stated he wanted to understand the priority list, and asked if that list would be adopted today. Ms. Paschal stated that was the second issue, noting that each year the Board adopted funding priorities.

Commissioner Thompson suggested amending the motion to include the revised Certification Criteria.

Commissioner Barnes and Commissioner Vanderbeck accepted the amendment.

Chairman Lucier restated the motion: Commissioner Barnes moved, seconded by Commissioner Vanderbeck, to approve the revised Certification Criteria. The motion carried five (5) to zero (0). The Certification Criteria is attached hereto and by reference made a part hereof.

### **FY 2008-09 Adopted Priorities:**

Commissioner Thompson stated he understood the list was not in priority order, and asked if Ms. Paschal was asking that it be prioritized and adopted today. Ms. Paschal stated that the list she had provided the Board was the list that was adopted by the Board last year, and were not in any priority order. She stated that number one was as important as number sixteen. Commissioner Thompson asked was there a priority order that the Board had determined. Ms. Paschal replied no. Commissioner Thompson asked did they need to do that. Ms. Paschal stated that each year the Board was given the opportunity to review its priorities to make sure they were still priorities, and then to adopt them. Commissioner Thompson said then they were not trying to put them in order. Ms. Paschal stated that was correct, noting she was only asking for any changes, deletions or additions to the list.

Chairman Lucier stated they were listed in alphabetical order, not in priority order. Ms. Paschal stated that was correct, adding that the list seemed to work well with the volunteers and they could navigate them fairly well.

Commissioner Vanderbeck asked when the process would begin. Ms. Paschal stated it had already started, noting that applications would go out the end of December.

Commissioner Thompson stated he believed the list was comprehensive, and he had nothing to add.

Chairman Lucier agreed, noting there was some overlap among some of the items but he was comfortable with it.

Commissioner Barnes moved, seconded by Commissioner Thompson, to adopt the FY 2009-10 priorities, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

### **LUNCH**

The Chairman called for a lunch break at 11:37 PM, with the meeting to reconvene at 12:45 PM.

### **ENVIRONMENTAL REVIEW BOARD RECOMMENDATIONS**

#### **Stormwater, Watershed and Erosion and Sedimentation Control Ordinances:**

Chairman Lucier stated that no decision had to be made today, that they would only be receiving comments from the Environmental Review Board; that they would have to schedule a fairly extensive work session item on these ordinances as well as the subdivision and zoning ordinances on November 17<sup>th</sup>; that tonight the Planning Board was going through the subdivision and zoning ordinances so their comments would be available on November 17<sup>th</sup>; that he was not sure they would be able to complete deliberations at that work session and suggested that they schedule a tentative meeting for November 24<sup>th</sup> to complete those deliberations; and, a final draft could be prepared for action on December 1<sup>st</sup>. He asked the Board if November 24<sup>th</sup> was acceptable, noting that if the Board finished its review on November 17<sup>th</sup> they could cancel that additional meeting.

The County Manager asked what time of day the proposed meeting would be on November 24<sup>th</sup>.

Commissioner Vanderbeck stated he would prefer an early start at about 6 PM for the convenience of the public.

Chairman Lucier asked if anyone else preferred an evening meeting.

Commissioner Barnes stated he preferred mornings, but would go along with what the Board decided.

Commissioner Thompson agreed that an early evening meeting would be appropriate, as did Commissioner Cross.

Chairman Lucier asked if 6 PM was acceptable for everyone. By consensus, the Board agreed that if a meeting was necessary on November 24<sup>th</sup>, that it would begin at 6 PM.

Elaine Chiosso, ERB Chair, asked what time the meeting on November 17<sup>th</sup> would begin.

Chairman Lucier stated the November 17<sup>th</sup> meeting would be an afternoon work session with an evening meeting at the Dunlop Classroom, but he would have to look at the agenda to determine what time they would begin.

The County Manager stated unless there was something urgent, he would suggest limiting the agenda on November 17<sup>th</sup> the five ordinances.

Chairman Lucier asked was there anything else pending for November 17<sup>th</sup> The County Manager stated he was not aware of anything that was pressing.

Commissioner Vanderbeck stated he believed the Board may want two discussions, since there was so much information to go through and they would continue to accept public comment. He stated if they did finish on the 17<sup>th</sup>, they could always cancel the second meeting.

Chairman Lucier stated he believed that what the County Manager was saying was that even if they did have the November 24<sup>th</sup> meeting as a back-up, the Board may still want to devote the work session on November 17<sup>th</sup> to just the five ordinances. He stated he believed they should begin that work session at 1:00 PM. The County Manager stated that would be his suggestion.

Chairman Lucier asked what the ERB thought about the ordinances in terms of any potential revisions, responses to public comments, or the ERB's thoughts. Ms. Chiosso stated that the ERB remained in strong support of the Stormwater, Erosion and Sedimentation Control ordinances; that the ERB had voted on the final text changes that had been presented to the Board on that ordinance; and, that the ERB had recommended approval unless there were additional changes that needed to be reviewed. She stated the Board had the ERB's full support of the ordinances as now written; that their only comment was in regard to the Watershed Protection ordinance concerning conservation subdivision density bonuses, and urged the Board not to count lands in the natural area that already required environmental protection, noting that the ERB believed those bonuses should only be given for conservation of lands not already requiring environmental protection such as steep slopes and watershed buffers.

Commissioner Cross asked if they would have some numbers to go along with the steep slopes, that is, how it would be determined what was too steep. Ms. Chiosso stated that was already a part of the Soil Erosion and Sedimentation Control ordinance.

Fred Royal stated that was spelled out in Section 6, Page 12 of the ordinance.

Ms. Chiosso stated that the ordinance specified that there would be no land disturbing activity on a steep slope except to the extent necessary and permitted by State law to be used for septic system needs, railroad crossings, utilities or where no practicable alternatives existed. She stated that steep slopes were defined as well as moderate and gradual slopes, with steep slopes defined as 25 percent.

Chairman Lucier asked 25% of what distance? Mr. Royal stated the ordinance did not specify the distance, only the percentage of the slope. He stated the slope would be mapped on the County GIS in 20 foot pixels, so there was room for discussion if a developer came in with property that contained steep slopes.

Commissioner Cross stated he believed they were thinking about subdivisions coming in and destroying a hill, but there were many homes that were built on slopes, particularly in the mountains, that did not cause any apparent erosion problems. Ms. Chiosso stated actually those mountain homes caused terrible erosion problems. Commissioner Cross asked if that was on single-home sites. Ms. Chiosso replied yes, noting that in the Piedmont they had the ability to site houses away from the steeper slopes and place them in more gradual areas. She stated that people may want to build on a steep slope to provide them a view, but the ERB was trying to protect resources as a whole, and the worst sedimentation problems they had seen in streams came from developments that were on steeper slopes.

Commissioner Cross stated he understood about developments, but he was referring to a single home. He asked if this ordinance would mean that the one property owner could not build on a steeper slope. Mr. Royal stated there had been some new language discussed for that purpose, which would allow disturbance of a small area on a steep slope, but he did not know what the outcome was.

Ms. Chiosso stated all the revisions she had seen as of last night made the ordinance slightly less restrictive, but not to the point that she believed the ERB would want to begin again with it. She said that perhaps Jim Willis could attend the meeting on November 17<sup>th</sup> to respond to questions.

Chairman Lucier asked the County Manager to produce a list of people who needed to attend the November 17<sup>th</sup> work session, and Mr. Willis should be one of them along with the Chair of the Planning Board and the Chairs of the Zoning and Subdivision subcommittees.

Ms. Chiosso stated that the ERB had unanimously supported all of the revisions, noting that there had been comments at the public hearing regarding building on steep slopes, but they could not let people's individual desires trump what might affect people living on adjacent properties downstream. She stated people had experienced their ponds being silted over and streams running next to their land carrying large loads of sediment. Ms. Chiosso stated the cost of that was being borne by the neighbor in order to have a more aesthetic pleasing experience with their property.

Chairman Lucier stated that one of the things the Commissioners had asked for was to have an ordinance that would allow the Board to ensure that developments would not be environmentally damaging. He stated that two of the issues raised at that time were steep slopes and the amount of land that could be cleared at any one time. Chairman Lucier stated the Board had gotten back what they asked for, and if you looked at a topographical map there would not be that many housing sites prohibited by that 25% restriction. He stated in response to Commissioner Cross' question regarding a single house on a steep slope, that appeared to be under discussion.

Commissioner Barnes stated they needed to keep in mind the original intent of this, which was to address primarily subdivisions. He stated the one that Chairman Lucier had alluded to was originally called Booth Mountain, and they could tell from the start that that was going to be a disaster. Commissioner Barnes stated that was now called Westfall, and it was a disaster. Ms. Chiosso agreed, adding so was Chapel Ridge.

Commissioner Barnes stated that if you had five acres and part of it was steep where you wanted to build, he believed it was possible to do so if you were willing to adhere to the necessary erosion control measures and the stabilization required. But, he stated, you would also have to use common sense if you were talking about one house on five acres versus a subdivision with a house every acre or less, which was what Westfall was. Commissioner Barnes stated the developer had totally denuded a large site which was where large scale erosion came from, and it was a classic example of something that was approved and should not have been. Ms. Chiosso stated they would hope that a person building a single-family house would site it on a gradual or moderate slope versus a steep slope.

Commissioner Barnes stated there were some houses in Governor's Club that were built on 45% slopes, and what was spent on erosion control for one acre of property was more than what the average home in Chatham County costs. He stated that was a case of if you had enough money you could build on a steep slope and not have runoff, noting the lots he had referred to in Governor's Club were adjacent to the golf course.

Ms. Chiosso stated many would have preferred that those houses had never been built on those slopes, but the ordinance they had today was not in effect at that time.

Chairman Lucier asked Ms. Chiosso would she be available to attend the November 17<sup>th</sup> meeting. Ms. Chiosso responded she would attend.

**Jordan Lake Nutrient Rules:**

Ms. Chiosso stated that the ERB was recommending to the Board that they write a letter to the NC Rules Review Commission urging them to pass the Jordan Lake Nutrient Management Plan. She stated that the NC Environmental Management Commission (EMC) had approved the Plan in May and forwarded it to the Review Commission; that State law required that the Review Commission also review and approve the Plan; that the Review Commission had discussed the Plan over its last three meetings and had approved most sections of the Plan; and, that the Review Commission had a tie vote on the rules for New Development and Existing Development, so the full Plan had not yet been approved. Ms. Chiosso stated if the Review Commission could not come to a majority decision, then the rules could possibly "die" and would not be sent on to the Legislature.

Chairman Lucier stated it was his understanding that the date identified for implementation was now 2014. Ms. Chiosso stated yes, noting that was for the wastewater implementation for nitrogen reductions. Chairman Lucier stated the resolution was very similar to the one proposed by Chatham County, except for that implementation date. Ms. Chiosso agreed, noting that in order for the Jordan Lake rules to be effective, all sources of nutrient pollution would have to be reduced; that to leave out the rules for New Development and Existing Development would mean either a failure of the attempt to clean up the lake, or demanding that all other sources, including wastewater treatment plants and agriculture/farmers, do more than their fair share; and, neither was an acceptable or legal solution.

Chairman Lucier agreed that it was imperative that the Review Commission move forward and approve the Plan. Ms. Chiosso stated it made no sense not to approve it.

Chairman Lucier asked about the sixth "Whereas" in the draft resolution. Ms. Chiosso explained that the EMC had approved the rules which then had to go back to the Review Commission; that the Review Commission had said they would adopt them if certain changes were made; that the EMC believed that they had already done everything possible to make the rules as strong as possible; that the Review Committee was not suppose to be considering such things as economic impact, or whether or not the EMC had jurisdiction for the rules, which the State had already said that it did; and, that the Review Commission was getting into territory that was not what they should be considering. Chairman Lucier stated that sixth "Whereas" should be amended to make that more understandable. Ms. Chiosso stated it could say just that the rules had been adopted unanimously by the EMC. Chairman Lucier asked Ms. Chiosso to prepare some revised language, but believed the Board could go ahead and vote with the understanding that there was that one potential revision. Ms. Chiosso agreed to make the language clearer.

Commissioner Vanderbeck moved, seconded by Commissioner Barnes, to accept the revisions to be reviewed by the Chairman and adopt **Resolution #2008-64B Requesting the North Carolina Rules Review Commission to Approve All Sections of the Jordan Lake Reservoir Nutrient Rules, Including Those Pertaining to Existing and New Development.**

Commissioner Vanderbeck amended his motion to include sending copies to Senator Bob Atwater and NC House Speaker Joe Hackney. Commissioner Barnes agreed.

Chairman Lucier called the question. The amended motion carried five (5) to zero (0). The resolution is attached hereto and by reference made a part hereof.

#### **Rocky River Basin-Wide Study:**

Ms. Chiosso stated that the ERB was recommending to the Board that they lend their support to the efforts to have a study of the Rocky River watershed conducted in order to better protect water quality in the Rocky River and in conjunction with the NPDES permit currently issued to Siler City for their wastewater treatment plant. She stated they encouraged the formation of a partnership with other local governments, agencies, and organizations to fund and conduct the study, including NC DWQ, the EPA, Siler City, and Friends of the Rocky River.

Chairman Lucier stated there were two parts to the study: a \$41,000 study to do the monitoring for various nutrients and other contaminants, and then a \$16,000 study of micro-organisms that would help the river in terms of biological activity. He stated the \$41,000 study would be done by John Fountain from NC State University along with pro bono work by graduate students, saving thousands of dollars. Chairman Lucier stated the six potential partners would be Chatham County, Siler City, DWQ, Friends of the Rocky River, the existing 319 grant for studies on Tick Creek which was a part of this watershed and perhaps some of those funds could be used, and the opportunity to get a Community Foundation grant. He stated the total cost would be \$57,000, and if all six partners came in it would mean a contribution of just \$10,000 each; that there was no doubt that they wanted that type of study conducted; that the study would tell them the frequency and duration of the monitoring that would tell them if there were problems with the river and where it was most likely coming from; and, would allow them some sense of how to go about solving the problems. Chairman Lucier stated the study would provide them a foundation on which to make the proper decisions, that it was a good investment for the river, and he believed the Board should go forward with the study and hopefully the partners would agree as well.



Ms. Chiosso agreed, noting the study provided an excellent opportunity to identify any source of pollution, noting that at present they were making a lot of guesses and the study would allow them to make a plan to clean up the river in the most appropriate way.

Chairman Lucier stated he did not believe they needed to vote on that today, but should get the identified partners on board and then come back with a motion. He asked if the Board agreed to proceed in that manner.

Commissioner Barnes stated he would like to see the study take place with all of the partners working together for the common goal, but in order to be successful the entire County would have to work together as a whole. Ms. Chiosso stated it might be useful for the Board today to make a motion expressing its willingness to take part as a partner without committing themselves to show some leadership or conciliatory gesture towards the other potential partners.

Commissioner Barnes moved to express the willingness of the Chatham County Board of Commissioners to take part as a partner without committing themselves to show some leadership or conciliatory gesture toward everyone else.

Commissioner Thompson seconded the motion, stating that they needed to move forward and let them know what their intentions were and make those contacts.

Chairman Lucier called the question, stating that the motion was that Chatham County would be an active participant in this endeavor. The motion carried five (5) to zero (0).

Ms. Chiosso stated the ERB had voted to request that the Board of Commissioners publicly acknowledge Allison Weakley for her dedicated and extraordinary work for the County as Chair of the ERB. She provided the Board with draft language for the Board's approval.

Chairman Lucier stated the Board had talked before about during the time that they enacted ordinances that everyone had worked so hard on, that they take the opportunity to recognize those people who had gone the extra mile; that there were others who should be recognized, and suggested the Board do that when the ordinances were acted on; and, that many of the County's volunteers went above and beyond what was expected of them. Ms. Chiosso agreed, noting that the Board of Commissioners should be recognized for its work as well. She then invited the Board to the Haw River Assembly Annual Membership meeting this Saturday stating that Rich Gammond from DWQ would be making a presentation about the Jordan Lake Rules; and, that the meeting would be held at the new Visitor's Center a Jordan Lake.

Chairman Lucier noted the Visitor's Center had been open for some time, but the grand opening would be held on Friday, November 14<sup>th</sup>. Ms. Chiosso stated it was a grand facility, and was referred to as an exhibit hall because it was somewhat like a small museum with interactive displays on issues such as cultural and natural history, geology, pollution problems, wildlife, and others.

### **BREAK**

The Chairman called for a short break.

### **CHATHAM COUNTY HUMAN RELATIONS COMMISSION ANNUAL REPORT**

Chairman Lucier stated that Ms. Coleman would be providing the Board with the Human Relations Commission's Annual Report, noting this was a new Department as of January 2008 and the Board was interested in what the Commission had been doing over the last ten months.

Esther Coleman, Director of the Chatham County Human Relations Commission (CCHRC), provided the following PowerPoint presentation which provided an overview of their activities, their accomplishments, and challenges:

**CCHRC Mission:** The Mission of the CCHRC is to actively promote amicable relations and mutual respect among all groups within Chatham County and to discourage all manner and manifestation of discriminatory practices toward such groups. Through these actions, we will enhance the general welfare of this community.

### **Our Diversity**

- Which groups of people are protected? A protected class is a group of people who share common characteristics and are protected from discrimination and harassment.
- According to the 2006 US Census, the racial/ethnic composition in Chatham County is:
  - White: 71.3%
  - African American: 13.8%
  - Hispanic: 11.8%
  - Asian: 2%
  - Biracial: 1%
  - Pacific Islander: .1%
- The major change was a 61.3% increase in the Hispanic population between 1990 and 2000.
- Females comprised 50.7% of the population.
- 10.7% of households speak English as a second language.
- In 2000, 8,426 residents over the age of 5 were disabled.

The Good News: Coming together is a beginning; keeping together is progress; working together is success - *Henry Ford*.

### **Accentuating the Positive**

#### *COMPLETED*

- Developed programs such as Leadership Chatham Diversity Day and *Engaging in Conversations Around Race* for County employees.
- Held a CCHRC retreat at Jordan Lake Visitors Center.
- Disseminated news releases and informational flyers.
- Developed a newsletter entitled: *Making a Difference*.
- Developed collaborative working relationships.
- Implemented office operating procedures.
- Developed new web pages for the County website.
- Completed awards nomination entries.

#### *IN PROGRESS*

- Developing a cultural competence curriculum for the Leadership Academy.
- Developing a web module featuring local Latino notables entitled, *Telling Our Own Stories*, in partnership with the Smithsonian Institution.
- Implementing a Community Civil Rights Educators (CCRE) program to train volunteers to help community members better understand their civil rights and responsibilities.

### **Eliminating the Negative**

#### *COMPLETED*

- Developed web pages featuring interactive activities for youth and adults to help them overcome biases.
- Posted *Know Your Rights Under the Law* and exhibits about the history of discrimination and desegregation.
- Developed discrimination complaint forms.

#### *IN PROGRESS*

- Planning Title VI training in cooperation with the DOJ.
- Updating and maintaining information pertaining to hate crimes and other topics on the website.
- Adding more extensive information to the website about how and to whom to report potential discrimination violations.
- Beginning to review conditions in Chatham County; developing an appropriate Chatham County Civil Rights Ordinance.
- Developing a prevention and intervention plan for people with economic problems.

### **Challenges**

- Number of staff: one staff, which limits the number of services that can be provided for residents, the ability to provide educational outreach, and the ability to conduct cultural competence and race relations assessments and training.

- Lack of a civil rights ordinance: prevents being able to ensure the ability to serve citizens who are victims of discrimination in housing, employment, and public accommodations; to be able to test for it when residents are afraid to report it or do not realize it had occurred; to be able to compile quantitative data to prove it; to be able to ameliorate the losses to citizens when it happens; and, to be able to enforce the laws as embodied in the Civil Rights Act of 1964.
- Immigration issues: illegal immigration and its controversy has resulted in fear and tension in the Latino community; a second result is that the fear and tension impedes our ability to accurately analyze the status and situations of those residents who are undocumented; and, Latinos who are making important contributions to the County, but whose employment status may be in jeopardy, are believed to be leaving one way or the other.
- Hate bias: not believed to be at a high level in Chatham County, but due to recent events some African Americans and Latinos speak of it often; data shows a 70% increase in hate crimes in the State since April 2008; and, Whites rarely mention these crimes suggesting they did not think of it often.
- Academic achievement gap: significant academic gap in Chatham County schools that negatively impacts Latinos and African Americans; gap is most pronounced in elementary grades and narrows in middle grades, becoming even narrower in high schools.
- Housing: both affordable housing and fair housing issues exist; the Affordable Housing Task Force is currently working on affordable housing issues, and the CCHRC has begun work on fair housing issues; fair housing would require an ordinance as well as achieving substantial equivalency with the Department of Housing and Urban Development and enabling State legislation, which will take some time.
- East/West divide: people perceive inequities in a wide range of services and opportunities from recreation to employment to housing to higher education between those living in the eastern half of the County (Pittsboro and North Chatham) and those living in the western half (Siler City and surrounding towns); oddly, those who seem more aware of the perceived inequities are residents from the west and those who are long-term residents; and, many in the east, particularly new residents, seem surprised and unaware of the perception that there is a divide.
- Complaint resolution: a challenge because no ordinance exists.

### ***The E Word***

Economy: We are entering a serious and lengthy recession with perhaps the highest unemployment rates in a generation; if that occurs, most Americans will experience economic pain, but the most severe effects will be felt by disadvantaged adults, youths, and their families. As we prepare for a downturn, they should keep in mind the needs of all Americans, especially those who will be hurt most.

In Chatham County, bankruptcies are rising with a 38% increase in the first three quarters of this year; that foreclosures have increased as well; that it will be the challenges of the current economic crisis that will increasingly become important in the plans of those of us in human relations commissions; and, they will have to help people stay in their homes, feed and educate their children, and literally to keep the lights on. She submitted that the new frontier for human relations offices across the State will be about matters of economics, and given that the goal of the CCHRC includes facilitating the resolution of problems in areas affecting the human relations of all citizens, she believed it was now a role of the CCHRC to provide education to citizens about how to prevent foreclosure and bankruptcy, how to invest what they had wisely, what to do when they are victims of predatory or discriminatory lending, how to obtain and manage credit, and what to do when their jobs are in jeopardy or when they have trouble finding a new job. She believed that the CCHRC should take the lead in developing triage plans to determine what needs to be addressed first, and serving as a clearinghouse for resources.

Ms. Coleman offered her thanks to the Board of Commissioners for what they were doing to help people resolve problems, both financial and otherwise, to actively promote those amicable relations and mutual respect among all citizens of Chatham County, and to discourage all manner and manifestations of discriminatory practices towards such groups.

Ms. Coleman stated she wanted to thank her colleagues in the County Manager's Office for their tremendous support in their startup of the Human Relations office; that Charlie Horne, Renee Paschal, Carolyn Miller, Sandra Sublett, Liz Marcum, Rosalyn Way, Marilyn Collins, and Lisa West had all welcomed her and helped more than she could have ever imagined; that the same was also true of everyone in Finance and Technology and across all other departments; that Debra Henzey deserved her utmost thanks and appreciation for her leadership and guidance; that she knew she spoke for the CCHRC members when she thanked Debra for all she had done from the very beginning when they were seeking candidates all the way to the present as she assisted them in implementing their collective decisions, and that Debra had been one of the very best persons she had ever worked with; that under County Manager Horne's leadership, the level of cooperation among all of them in the Manager's office was unparalleled; and, that she was blessed and privileged to serve with them all.

Chairman Lucier stated the Board appreciated what had been accomplished over the last ten months, and knew in many respects it was a hard job because there were so many things that needed to be done and deciding what to focus on was one of the challenges. He stated that one of the things he believed was very important was addressing the academic achievement gap issue, that in his mind it was a consequence of the loss of hope or never having had hope for the future in terms of not seeing the value of education. Chairman Lucier stated that needed to be addressed at the elementary school level to change the mindset and provide the basis for hope for the future, but realized that it would be even more challenging with the current economic crisis. He stated that what Ms. Coleman was doing in working with the school system to address that and other issues was very important. Ms. Coleman stated she had asked children in some schools who were considered disadvantaged or at risk what they wanted to be when they grew up, and she had had children who could not answer that question. She stated that she believed that regardless of your background, race, or economic status that everyone should have a dream.

Chairman Lucier stated it was important that there be an appropriate spectrum of opportunities so that everyone would have something that was right for them.

Commissioner Vanderbeck stated he liked the idea of working with a Leadership Academy to develop that facet for their leaders to work with the County employees to model exceptional behavior and sensitivity to all.

Commissioner Thompson stated that it was mentioned that the CCHRC was looking at some type of draft civil rights ordinance. Ms. Coleman stated that one of the issues you would want to address was fair housing, which would mean working with HUD; that fair housing was covered under the Civil Rights Act of 1968; that in order to achieve substantial equivalency with HUD you would have to mirror that Act; that they were seeking ordinances from other local governments to use as a guide; that they would have to have some legislation from the State that was specific to Chatham County; that the entire process would likely take two to five years; and, at the present time she was working to draft an ordinance that might be considered.

Chairman Lucier asked how many counties had civil rights ordinances. Ms. Coleman stated she did not have an entire list, but did know that Orange County and New Hanover County had adopted one. She said she would be looking at those and other ordinances to see what would best fit Chatham County.

Commissioner Thompson stated that he was the Board liaison to the CCHRC, and commended Ms. Coleman on the job she had done. He also commended the HRC Board itself, noting the volunteers took their jobs seriously and it had been a pleasure working with them.

Heather Roden, Vice Chair of the CCHRC, stated it had been a pleasure to work on the HRC, and since Ms. Coleman had come on board they were really beginning to see progress. She added that a civil rights ordinance would be very important for the County, noting it would provide clout to the CCHRC's work.

Commissioner Vanderbeck stated he understood there were vacancies on the HRC Board.

Chairman Lucier stated he believed they had just filled those vacancies. Ms. Roden stated there were three current vacancies, noting that some members had gone off the Board that the Commissioners may not know about.

Commissioner Thompson stated that David Scotton had just been reappointed.

Chairman Lucier asked that the Commissioners be provided a current list of all members. Ms. Coleman agreed to provide that.

## **BUDGET ITEMS**

### **Public Input in Budget Process:**

Renee Paschal, Assistant County Manager, stated that during the budget critique, Commissioners had asked staff to include additional methods for public input into the budget process; that at that time staff had recommended conducting a survey in November and a more interactive budget workshop in December; that since that time they had been working to define that and figure out exactly what they wanted to do; that they had met with Dr. Rick Morse, a faculty member at the School of Government who is an expert in citizen participation, to discuss how to develop the survey and workshop; and, that Dr. Morse had substantiated their concerns that now may not be the best time to initiate these public input techniques due to the growing concerns about the faltering economy, because it set up false expectations that people might think that things they want to see in the budget would be funded, and that people had expectations that if they participated and said things should be cut that they would be cut.

Ms. Paschal stated she wanted to discuss the options and perhaps get some guidance as to where to go from here. She provided information using the following PowerPoint presentation:

#### **SURVEY OPTIONS**

- Option 1: General satisfaction survey (Guilford County, NC example)
- Option 2: Ranking of all services (Eau Clair County, WI example)
- Option 3: Ranking of County-specific budget issues (very rough, in-house example)
- Option 4: "Purchasing" County-specific budget items with tax dollars (very rough, in-house example)

#### **SURVEY: SOME CAVEATS**

- All surveys have the potential to set up false expectations in difficult economic times.
- An on-line survey will not be scientific or representative of the whole County.
- An on-line survey will make it easy for a very vocal group to dominate the results.

Ms. Paschal then made some general points, stating that all of the options do set up at least some expectations; that Option 1 also could do that, just not targeted at budget expectations; that all would have big challenges in terms of getting a good representative sample without using a professional service and in tabulating the hard copy survey results; that the Board should understand this general "con" up front, in that it could be easy for one very vocal group to dominate the results; that she definitely agreed with that, because any survey had the potential to set up false expectations so any survey should include very specific language about the purpose and use of the results; that getting a representative sample of any kind with an on-line survey like that is basically impossible; that the Board should know upfront that the results would not be "scientific" in the sense of margins or error and the like; that, however, if you got enough responses you could compare the demographics to the population and at least get a sense of how close the self-selected sample was; that the worry about certain interest groups being vastly overrepresented was a very real concern here, too, and that may be hard to pull out of the demographics; that that was important to keep in mind that there was value in simply giving people the opportunity to give input like that; that it may be less scientific than doing a random sample survey, but it was also more inclusive; and, of course, you could do both, but that would cost a lot more.

#### **OPTION 1: GENERAL SATISFACTION SURVEY**

- Pros:
  - Doesn't directly set up potential "false expectations" about budget priorities during challenging economic times.
  - Provides feedback that can be used for a wider range of purposes, such as strategic planning or future program priorities.
  - Survey can be developed in-house (hard copy and on-line).
  - Not as time-consuming for staff to tabulate hard copy surveys.

- Cons:
  - Can lead to “false expectations” that actions will be taken to address key findings, even if not budget related.
  - Does not give the Commissioner input on budget decisions.
  - Doesn’t ask public to make choices versus new priorities or new priorities versus existing programs and services.

#### OPTION 2: RANKING OF ALL SERVICES

- Pros:
  - Provides a general sense of which programs or services are most/least valued; new service requests can be included in the list.
  - Can be worded to at least somewhat mitigate “false expectations” about budget priorities.
  - Survey can be developed in-house (hard copy and on-line).
- Cons:
  - Requires substantially more staff time to tabulate hard copy surveys.
  - Is more cumbersome and time-consuming for residents to complete.
  - Has potential to foster “false expectations” that high priority services will get more budget support, while lower priority items will be cut or eliminated.
  - Survey takers may not have enough information about programs to make an informed decision about their relative value.

Ms. Paschal stated that Option 2 would be the option she would recommend the least, but it could help Commissioners prioritize resources in a poor economy which could be useful for Commissioners and departments; i.e. it would provide a sense of relative support for existing services and force them to make choices. She said the lower priority items might be mandated.

#### OPTION 3: RANKING OF COUNTY-SPECIFIC BUDGET ISSUES

- Pros:
  - Gives specific feedback on items that are likely to be budget requests.
  - Relatively easy to develop in-house.
  - Easy for public to complete and understand.
  - Mandated and internal items can be filtered out.
- Cons:
  - Has the potential to build “false expectations” that highly ranked items will be a funding priority, even if funding is not available.
  - Doesn’t ask public to make choices versus new priorities or new priorities versus existing programs and services.
  - Has the potential to create backlash if lower ranked items are funded over higher ranked items, even if there are important reasons to do so.
  - Will require some staff time to tabulate hard copy surveys, but not as challenging as options 2 or 3B.
  - Survey takers may not have enough information about programs to make an informed decision about their relative value.

#### OPTION 4: “PURCHASING” COUNTY-SPECIFIC BUDGET ITEMS WITH TAX DOLLARS

- Pros:
  - Gives specific feedback on items that are likely to be budget requests.
  - Relatively easy to develop hard-copy in house.
  - Gives Commissioners feedback on what items the public might be willing to see funded through increased taxes.
  - Mandated and internal items can be filtered out.
- Cons:
  - On-line survey extremely difficult to develop and results difficult to tabulate.
  - Tax question will likely be inflammatory in difficult financial circumstances.
  - More difficult for public to understand and complete the survey - more complicated instructions.
  - Can lead to expectations that the decision on the tax rate will be based on survey results.
  - Likely to generate a high number of “no tax increase option.”

STAFF RECOMMENDATION—DEPENDS ON THE GOAL

1. If the Board wanted a starting place for setting priorities, the recommendation would be Option 1.
2. If the Board wanted feedback on likely budget requests, the recommendation would be Option 3, perhaps combined with a workshop.
3. If the Board wanted both Option 1 and Option 2, we could develop a hybrid, but it might be too long.
4. If goals as to what was to be achieved are not clear at this point, and given the concerns about the downturn in the economy, then the recommendation would be no survey.

Concerns:

- PIOs strongly advised against doing this during a poor economy.
- High potential for false expectations.
- Focusing on cutting could also set up false expectations because of the mandated nature of most county functions.
- Not useful if focused on funding new programs, when resources aren't available.
- More useful if based on Board-identified priorities.

Recommend either:

- Postponing until after Summit to see if Board wants public feedback on priorities and/or economy improves; or
- Postponing until the economy improves, which could be next budget year.

Debra Henzey stated that she had sent out an email to her professional association asking for examples of budget surveys, and at least 40 PIOs had immediately responded that they strongly advised not doing a survey during a poor economy; and, that they agreed with the point that it could create conditions for more divisiveness between those who wanted to go ahead with tax increases to fund items and those who wanted to focus on cutting the budget. She stated that sounded like good advice, particularly given the backlash that discussion about tax increases could cause.

Commissioner Vanderbeck stated then those PIOs would not even agree to do Option 1. Ms. Henzey stated since she had mainly asked about conducting a budget survey that was what had been responded to. Commissioner Vanderbeck stated he believed it would be helpful to do some kind of general survey to let people know the Board wanted input, but to be careful given the economy not to get into the heavier budget questions.

Commissioner Barnes stated if you gave the average person in Chatham County Options 3 and 4, they would likely read both but would discard Option 4 because it was asking them "dollar signs" which was more difficult to figure out. He stated that Option 3 would be easier to go down the list and rank each area. Commissioner Barnes agreed that doing the survey on-line would not be helpful, because more than half of the residents did not have access to a computer. He suggested the survey could be mailed out with every tax notice. Ms. Henzey stated they had not budgeted to do that, but there was a potential to use the library, Health and Social Services, and other places to distribute hard copies, but did not believe they would ever get a scientific representative survey.

Chairman Lucier stated they had done a recreation survey, but did not find it particularly useful. Ms. Henzey stated that given that it was their first survey, she would recommend that they not invest a lot of resources.

Commissioner Barnes stated if they held a public hearing and if they could get a large turnout, he believed the general consensus would be "don't waste my taxes and don't spend any money."

Chairman Lucier stated it was hard to know how to respond, and wondered how many people had spoken at budget hearings over the last two years. Ms. Paschal stated not many. Chairman Lucier stated perhaps 20 in two years, and that was when you already had a budget in hand. He stated he did not know how successful a forum or workshop would be, never mind the survey, but a survey would likely be more useful. Ms. Paschal stated that might be true if you could get a random sampling.

Commissioner Barnes stated if you thought of something that was controversial such as the Land Transfer Tax, the public workshop turnout was dismal, and those that did attend were very few and very vocal.

Commissioner Thompson stated if they wanted to move forward by receiving more public input, then certainly a general survey such as that in Option 1 may be something that the Board would want to consider. He stated he certainly thought that going further than that, such as a workshop, would not be wise at this time given the state of the economy.

Commissioner Cross agreed, stating he believed they should wait until it looked as if they had an economy that was improving enough that they might be able to do something not already planned, adding that obviously they did not now have the money to do everything that was planned.

Chairman Lucier stated they had everything on hold now until the credit market improved so that they could move forward on some of those plans. He stated once that happened they may be in a position to choose something, but right now they could do nothing.

Commissioner Cross stated he almost thought that moving forward might spur some conversation that the County was looking for things to spend money on. Ms. Henzey stated that was why Option 1 would give them more input that could be used more broadly, as opposed to focusing specifically on the budget.

Ms. Paschal stated that Option 1 was a good starting point, and they could build on that and perhaps add Option 3 and do the survey when they had some resources.

Commissioner Vanderbeck asked would this be the first time it had been done in this County. Ms. Henzey replied yes. Commissioner Vanderbeck said then there was something to be learned from it, and if staff had the time to do it then they should do so because it could be worthwhile. Ms. Henzey stated they could get hard copies out to at least some of the people who did not have computers.

Ms. Paschal stated that what she was hearing was that the Board wanted to do Option 1 and put the budget workshop on hold until the economy improved. By consensus, the Board agreed.

Chairman Lucier stated they may decide to have a budget workshop at some point this spring before they hold a public hearing. Ms. Paschal stated that could be revisited later. Chairman Lucier agreed, noting that this spring they may have a better sense of their economic situation and what they may be facing budget-wise for the next year or two.

Commissioner Vanderbeck stated that the State was already cutting back even more, and he had already had some non-profits contact him. He stated he was advising them to plan for the worst because even more people would need services and private money was shrinking, so do not think you would possibly get more this year because you could get less.

Chairman Lucier stated the Board had agreed on some version of Option 1 and that the budget workshop would be reconsidered at the appropriate time.

### **ADJOURNMENT**

Commissioner Barnes moved, seconded by Commissioner Vanderbeck, to adjourn the Work Session. The motion carried five (5) to zero (0), and the meeting was adjourned at 2:33 PM.

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George Lucier, Chairman

ATTEST:

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