

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
WORK SESSION
APRIL 06, 2009

The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met in the Agricultural Building Auditorium, 45 South Street, located in Pittsboro, North Carolina, at 9:55 AM on April 06, 2009.

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

The work session was called to order by the Chairman at 9:56 AM.

Work Session Agenda

1. **Green Manufactured Housing Presentation:** Vincent Ciccarello, President of Advanced Built Homes (ABH) will make a presentation about their business, building green modular residences. They are interested in locating their headquarters and manufacturing facility in Chatham County.
2. **Orange-Person-Chatham Mental Health Presentation** by Director Judy Truitt
3. **Solid Waste Feasibility Study Presentation:** Presentation and recommendations to Board of Commissioners from the Solid Waste Advisory Committee
4. **Grand Trees:** Discussion of the possibility of establishing a Grand Trees committee in Chatham County. This is a follow-up item from past work sessions. Attached is information and a possible ordinance
5. **Discussion of Sidewalk Project on US #15-501 from Mann’s Chapel Road to South of the Orange County Line**
6. **Finalization of Properties for Business/Industrial Zoning Along Corridors for April 27 Public Hearing**
7. **YMCA Proposal:** As part of the county’s employee health and wellness program we are proposing to offer employees a membership to the YMCA for \$5.00 per month. As part of that proposal we desire to reduce their rent by \$1,250 per month to help YMCA offset the loss of membership fees they would otherwise receive from higher membership fees. Our proposal would provide that the Y place the amount of reduced rent into their capital reserve (which is already established). They are planning to build at some point in the not too distant future. Our plan is to offer the \$5.00 fee for employees of Chatham County, Pittsboro and Siler City.

We come to you in what would otherwise be an administrative issue. Since this proposal would reduce the YMCA rent we thought you ought to approve the proposal.

8. **Presentation and Request by Rocky River Heritage Foundation and Friends of the Rocky River:** Request relates to restoration partnership

9. **Chatham/Orange Joint Planning Task Force:** Discussion of the Board of Commissioners' interest in participating in a proposal from Orange County to form a Chatham/Orange Joint Planning Task Force Partnership
10. **Closed Session to discuss matters within the attorney/client privilege and personnel**

ECOTOURISM CERTIFICATE PROGRAM

Resolution Honoring the Creation of an Ecotourism Certificate Program: Approval of a **Resolution Honoring the Creation of an Ecotourism Certificate Program Offered by Central Carolina Community College**

Dr. Karen Allen representing CCCC announced the creation of an Ecotourism Certificate Program, a new and unique program that celebrated both current and potential nature-based assets such as the Jordan Lake State Educational Forest and the Talking tree Trail, among others. Dr. Allen added that the program appealed to students seeking to advance studies in ecotourism and to current and future business owners seeking to develop a nature-based business. She asked that the Board consider approval of the resolution.

Chairman Lucier stated he believed they had not taken full advantage of this in the past and they did have wonderful natural resources; and, that they should take advantage of this through the Community College program. He said he assumed they were working with the EDC and Parks and Recreation staff as part of this program. Dr. Allen stated that was correct.

Commissioner Thompson stated that Tracy Burnett was on the advisory committee, and this program was the only one of its kind in the State. He applauded the CCCC for putting the County in the forefront of this effort and the many hours spent to bring the program to this point.

Commissioner Vanderbeck moved, seconded by Commissioner Thompson, to adopt **Resolution #2009-34 Honoring the Creation of an Ecotourism Certificate Program Offered by Central Carolina Community College**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

GREEN MANUFACTURED HOUSING PRESENTATION

Chairman Lucier introduced Vincent Ciccarello, noting he had given a presentation to EDC a couple of weeks ago that had been very well received.

Vincent Ciccarello, President and COO of Advanced-Built Homes (ABH), introduced his colleague, Ken Pipes, President and CEO of The Affordable Homes Group, a not-for-profit organization based in Mt. Holly, New Jersey, and provided some brief background information regarding ABH. He stated that ABH was a start-up organization that sought to create villages of green, affordable workforce homes in Chatham County, and provided the following details:

- ABH homes would be the first totally green, sustainable homes in the United States designed for lower income buyers and would carry the gold rating for energy use.
- ABH homes would be assembled in the nation's first climate-controlled, net-zero energy modular assembly facility that would be a state-of-the-art facility.
- ABH homes, created by an award-winning architectural firm, would reflect the cultural and historical ambiance of North Carolina. The pre-constructed homes would be architecturally indistinguishable from, and in many ways superior to, traditional stick-built homes.
- ABH plans were to locate in Chatham County and needed to identify a 25-acre site, but no location had yet been selected.
- ABH homes were targeted to workers earning \$30,000 and up annually, so teachers, police officers, firefighters, and others in that earning range could qualify for a mortgage to purchase the homes.
- What ABH needed from the Board of Commissioners was help from the Board and the County with the State and federal government to attract the kind of funding they needed, which were basically low-interest facility funds and grants from both the State and the federal government.
- The ABH facility would provide from day one 100 manufacturing jobs, as well as up another 115 indirect jobs such as retailers, subcontractors, and the like.

- ABH plans to pre-sell the homes, noting they had already received letters of intent for 80 homes and their decision point was 192 homes, which they believed they could achieve in the Chatham County area.
- Locating the facility in Chatham County would place the County in the forefront of the green movement in the United States, noting that no other plant existed like the one planned.

Chairman Lucier stated he believed they were all enthusiastic about what ABH was trying to do, which was very consistent with the types of industry they would like to bring to the County, and wanted to work with them to make it happen.

Commissioner Kost asked what the average wage was they were proposing for workers. Mr. Ciccarello stated the projected wage was \$14 per hour, noting that was slightly higher than the average manufacturing wage in the State. Commissioner Kost asked were there any other special needs that were unique to this trade, and were they available in Chatham County. Mr. Ciccarello stated Chatham County had everything they needed, including geographically, as well as support from the community.

Chairman Lucier stated the County was in a growth area with a backlog of about 12,000 homes approved but not yet built, so there may be some market in the County once the economy improved. He stated they were also in the process of establishing an affordable housing program in the County for new developments, and what was being proposed fit in well with that plan. Mr. Ciccarello stated the plant itself was projected to be 80,000 square feet, and it was their opinion based on the pre-sell that they would meet their first-year breakeven projections with no problem. He stated that was critical with a facility of that size and with a cost of \$16 million, adding it was possible that they would need to have a second production line which would create even more jobs for area residents.

Commissioner Vanderbeck suggested they contact Base Realignment and Closure in Fort Bragg, noting they wanted to do green building and he believed making that contact would assist in acquiring federal funding. Mr. Ciccarello agreed, but noted that many times housing needs of the military went up and down and they wanted to focus more on the private marketplace.

Commissioner Cross stated not only did they want ABH here but they needed ABH here, adding there were many citizens who would be happy to have a job. Mr. Ciccarello stated they knew there was a lot of good skilled labor in the area and would pay a fair wage. He stated they certainly wanted to have a company that made money but they also wanted to be a good corporate neighbor and be a place that people would enjoy working at.

Commissioner Thompson stated he believed this would be a win-win for everyone, noting the number of jobs that would be created and that it would help to reduce the carbon footprint by providing a good, clean industry for the County. He agreed there were people who needed the type of housing that ABH would provide. Commissioner Thompson stated the homes would be solar powered, and asked what other green building features they would have. Kent Pipes stated they would be using geothermal energy for heating and cooling and solar energy for electricity, adding that clean indoor air environments were a critical component. He stated they would be using roofing technology to reflect the sun's rays from the roof in the summer and drawing the heat back in the winter, as well as water saving technology that reduced the runoff onto the landscape. Mr. Pipes stated they would use technology to allow them to build better homes that had less impact on the environment and less interior impact on the residents. He stated they were talking about a quality of homes that was not available anywhere in the United States for working-class people.

Randy Voller, Mayor of Pittsboro, stated in a previous presentation they had mentioned child care on-site, and asked was that still being considered. Mr. Ciccarello stated absolutely, noting that their company had a strong social core value system and the nursery was a concept proposed by Mr. Pipes. He stated there was research that indicated that there were certain jobs in the plant that could be performed better by women, and in order to attract the best people for those jobs they believed child care was a natural amenity. Mayor Voller asked was it correct that the facility would not be a high user of water and sewer. Mr. Ciccarello stated that was correct, noting it should not tax the local utility and it should have a very minimal impact.

Commissioner Vanderbeck stated he believed the Board would need Mr. Ciccarello to direct them on how to help him, specifically, because they wanted him to make the decision to move to Chatham County as soon as possible. Mr. Ciccarello stated they had a strategic plan to do that and it would soon be shared with the Board.

Commissioner Kost stated she assumed they were monitoring funding available through the federal stimulus package, stating this proposal was right in line with what the Obama administration was pushing for. Mr. Ciccarello stated they had a meeting scheduled with the head of the NC Department of Commerce later this month to discuss that very issue.

Chairman Lucier asked were they meeting with the State's Energy Secretary or Energy Department. Mr. Ciccarello stated they had been dealing with Professor Dona Stankus, Solar Extension Specialist and Buildings Program Manager at NC State University, who would be providing them an introduction to do that.

Chairman Lucier stated that Larry Shirley was a member of the State Energy Office and would be a good person to contact particularly since some of the stimulus funding would come through that office for smaller counties such as Chatham County. Mr. Ciccarello stated the timing could not be better for a project such as the one they proposed, stating it would take 14 months from the time they started construction to get the plant up and running.

ORANGE-PERSON-CHATHAM MENTAL HEALTH PRESENTATION

Commissioner Vanderbeck introduced Judy Truitt, noting she was very dynamic in directing this agency and he had asked her to provide the Board with a better sketch of what was happening in Chatham County and perhaps get some press about the great needs in the County. He stated there were a lot of great works taking place that needed the Board's support and well as funding.

Judy Truitt, Area Director of the Orange-Person-Chatham Mental Health Developmental Disabilities and Substance Abuse Authority, provided the following PowerPoint presentation:

The Past

- Area mental health centers are local political subdivisions of the State established under the authority of North Carolina General Statute.
- OPC Area Program, established in 1968, was one of 41 area programs managing public sector mental health, developmental disabilities and substance abuse services across North Carolina prior to reform. Today there are 24 area programs, with OPC being the smallest multi-county mental health authority in the State.
- From 1968 through 2007 OPC operated a full array of services from outpatient to residential.
- In addition to services provided by the area program, approximately 47% of the annual budget was encumbered for over 150 private providers in our service community.

Person-Chatham-Orange – Population 225,285

- House Bill 381, passed in October 2001, outlined a major transformation of the public health system which was known as the Mental Health Reform Movement.
- Guiding principles of that reform included: greater choice for consumers; no wrong door for admission to services; services provided in the local communities; greater involvement by both consumers and the provider community; State-wide standardization and accountability; focused shift to best practice/evidence-based treatment; and, separation of management function from service system.
- OPC began divestiture of service programs in December 2003 when substance abuse services in Person County were divested to ARP Phoenix and ended in December 2007 when our Community Resource Court was divested to Caring Family Network.
- In May 2004 OPC began transition to new role, restructuring the organization to fulfill management functions.

The Present

- Management functions include: screening, triage and referral for consumers entering the service system; authorization of all State and/or locally funded services; endorsement and monitoring of provider network; and, customer service and community planning.

OPC Organizational Structure - 68.1 Employees and a budget of about \$22 million.

Area Authorities Performing Local Management Entity Functions (LMEs) and total populations for each LME:

1. Alamance-Caswell-Rockingham ~ 258,686
2. Albemarle ~ 231,925 (Camden, Chowan, Currituck, Dare, Hyde, Martin, Pasquotank, Perquimans, Tyrrell and Washington)
3. The Beacon Center ~ 245,976 (Edgecombe, Nash, Wilson and Green)
4. CenterPoint ~ 431,687 (Forsyth, Stokes and Davie)
5. Crossroads ~ 267,575 (Iredell, Surry and Yadkin)
6. Cumberland ~ 315,122
7. The Durham Center ~ 255,670
8. East Carolina Behavioral Healthcare ~ 397,400 (Beaufort, Bertie, Craven, Gates, Hertford, Jones, Northampton, Pamlico and Pitt)
9. Eastpointe ~ 293,767 (Duplin, Lenoir, Sampson and Wayne)
10. Five County ~ 232,585 (Franklin, Granville, Halifax, Vance and Warren)
11. Guilford ~ 463,933
12. Johnston ~ 161,889
13. Mecklenburg ~ 885,061
14. Mental Health Partners ~ 244,823 (Catawba and Burke)
15. Onslow Carteret ~ 229,762
16. **OPC ~ 225,285 (Orange, Person and Chatham)**
17. Pathways ~ 374,268 (Gaston, Lincoln and Cleveland)
18. Piedmont ~ 714,900 (Cabarrus, Davidson, Rowan, Stanly and Union)
19. Sandhills ~ 537,918 (Anson, Harnett, Hoke, Lee, Montgomery, Moore, Randolph and Richmond)
20. Smoky Mountain ~ 519,476 (Alexander, Alleghany, Ashe, Avery, Caldwell, Cherokee, Clay, Graham, Haywood, Jackson, McDowell, Macon, Swain, Watauga, and Wilkes)
21. Southeastern Center ~ 349,866 (Brunswick, New Hanover and Pender)
22. Southeastern Regional ~ 257,509 (Bladen, Columbus, Robeson and Scotland)
23. Wake ~ 853,260
24. Western Highlands ~ 503,298 (Buncombe, Henderson, Madison, Mitchell, Polk, Rutherford, Transylvania and Yancey)

The Present

- OPC currently has either a Memorandum of Agreement or IPRS service contract with 178 providers
- The service array includes the services identified on the following table:

Service	# Providers for OPC	# Serving Chatham Co.* **	Service	# Providers for OPC	# Serving Chatham Co.* **
ACTT	2	2	Level 2 placing agencies (family type)	18	18
Assertive Outreach (PATH)	1	0	Level 2 Residential (Program Type)	2	0
ADVP	3	1	Level 3 Residential	26	2
Community Rehabilitation	2	0	Level 4 Residential	1	0
CS Child	44	17	Long term Vocational Supports	5	3
CS Adult	46	16	Mobile Crisis	1	1
CS Team	17	14	MR/MI Day Supports	4	0
CAP Services	50	28	Multi-systemic Therapy		
Child Day Treatment	5	0	Non-hospital detox	1	0
Developmental Therapy	14	14	Psychiatric Residential Treatment Facility	2	0
Developmental Day Activity	2	1	Psychosocial Rehab	2	1
Diagnostic Assessment	39	6	SA Comprehensive Outpatient	1	0
Facility Based Crisis	2	0	SA IOP	2	1
Family Living Low	4	0	Supported Employment	6	1
Intensive In-home	17	8	Targeted Case Management	20	12

* Availability of providers is often dependent on consumer's location in county.
 ** Services that are "facility based" are counted only if physically located in the county.

- OPC Area Authority Funding SFY08-09
 - State Mental Health = \$3,382,075
 - Federal Mental Health = \$551,069
 - State Developmental Disability = \$4,518,061

- Federal Developmental Disability = \$219,841
- State Substance Abuse = \$2,338,185
- Federal Substance Abuse = \$1,633,948
- Crisis = \$777,052
- LME Systems Management = \$4,296,061

Adult Mental Health Allocations

- Proposed AMH Allocation FY 08-09 - T=\$2,389,500
 - Community Resource Court (non-UCR) - 5%
 - ACTT - 8%
 - Residential - 33%
 - Community Support - 14%
 - Community Support Team - 1%
 - PSR - 8%
 - Supported Employment - 2%
 - Outpatient Services - 11%
 - CASP Funding - 18%

Child Mental Health Allocation

- Proposed CMH Allocations FY 08-09 - T=\$1,249,336
 - Outpatient - 10%
 - Community Support - 22%
 - Residential - 1%
 - MST - 6%
 - Intensive In-Home - 13%
 - Community Respite - 3%
 - Day Treatment - 5%
 - Psychiatry - 13%
 - Non-UCR - 27%

Adult Developmental Disabilities Allocation

- Proposed ADD Allocations FY 08-09 - T=\$3,905,467
 - TBI services* - 6%
 - Project FAST (Non-UCR) - 1%
 - Residential Services - 34%
 - ADVP Services - 34%
 - Supported Employment - 4%
 - Targeted Case Management (UCR & Non-UCR) - 2%
 - Developmental Therapy - 15%
 - Respite - 1%
 - Long-term Vocational Supports* - 3%

Child Developmental Disabilities Allocation

- Proposed CDD Allocations FY 08-09 - T=\$832,435
 - Targeted Case Management (UCR & Non-UCR) - 2%
 - Developmental Day - 72%
 - Respite - 8%
 - Developmental Therapy - 18%

Adult Substance Abuse Allocation

- Proposed ASA Allocations FY 08-09 - T=\$3,405,590
 - Community Support - 8%
 - Residential - 41%
 - Outpatient - 51%

Child Substance Abuse Allocation

- Proposed CSA Allocations FY 08-09 - T=\$566,401
 - Intensive Outpatient Program & Training (non-UCR) - 45%
 - Residential - 27%
 - Outpatient - 28%

Local Funding for the Mental Health System

- OPC receives Maintenance of Effort funding from all three counties totaling \$2,275,480
- County funding is used to support the service system for both existing services, as well as new initiatives within the system

County Funds Allocations –SFY2009

I. Traditional Services	Percent
CFAC	1.3%
Crisis Services	1.6%
Property Management	2.7%
UNC Hospital	33.4%
Consumer Support	1.0%
Housing	4.4%
Psychiatry	19.4%
Provider Specific Support	17.9%
II. New Initiatives	
Pro Bono Therapy Project	1.3%
Medicare Incentives	1.3%
Psychiatric Consultation for Jails	0.6%
Transportation Project	2.7%
III. Dedicated/Restricted Funds	
Chatham Rent Subsidy	1.3%
Chatham SA IOP	2.9%
IV. Other LME Initiatives	
JCPC Liaison	3.3%
Guardian Coordinator	0.8%
Miscellaneous	4.1%

Persons Served SFY06-07									
Persons Served	Mental Health			Developmental Disability			Substance Abuse		
	Total	Adult	Child	Total	Adult	Child	Total	Adult	Child
5401	3658	2613	1045	534	387	147	1209	1197	12

Persons Served by County SFY06-07

- Orange – 52%
- Person – 23%
- Chatham – 23%
- Other – 2%

OPC Report of Access, Triage, and Referral for Emergent, Urgent and Routine Care

	Third Quarter SFY07-08	Fourth Quarter SFY07-08
Total Number of Persons requesting services through the LME	1,261	1,169
Number determined to need EMERGENT CARE	259	253
Number for which care was provided within 2 hours of request	257	251
Number for which access was available but not seen within 2 hours or request	1	2
Number determined to need URGENT CARE	251	252
Number for which care was provided within 48 hours of request	215	234
Number offered but declined appointment within 48 hours of request	2	1
Number scheduled within 48 hours of Request but did not show	21	10
Number determined to need ROUTINE CARE	649	555
Number for which care was provided within 14 calendar days of request	419	469
Number offered but declined appointment within 14 calendar days of request	38	36
Number scheduled within 14 calendar days of request but did not show	192	39
Number determined to be INELIGIBLE FOR SERVICES	102	109

The Present

- Use of John Umstead Hospital/Central Regional Hospital
 - During fiscal year 2007-2008 OPC had **315** admissions to the State psychiatric hospital:

	Orange	Person	Chatham
Adult Admission	140	53	40
Adult Long Term	0	0	0
Adolescent	32	6	11
Child	6	5	3
Geriatrics	3	1	6
Medical	4	2	1
Research	0	0	0
Residential Treatment	1	0	0
Pretrial	0	0	0
Deaf Services	0	0	0
Diversion	0	0	0
Forensic	1	0	0
Pre-Trial Outpatient	0	0	0

- OPC’s hospital admissions compared to other area programs in the central region:
 - ◆ Guilford = 775
 - ◆ Alamance/Caswell/Rockingham = 581
 - ◆ Durham = 697
 - ◆ Five County = 362
 - ◆ Sandhills = 35
 - ◆ Wake = 60
- OPC continues to operate three service programs:
 - Regional Deaf Services
 - TASC (Treatment Alternatives for Safer Communities)
 - Community Resource Court (returned to OPC umbrella when CFN ended outpatient services in early 2008)

The Future

- Under our contract with the Division of Mental Health all area programs are required to complete an annual NEEDS ASSESSMENT that takes into consideration the population of the catchment area, identifies gaps in the service array, and the number and variety of providers for each service.
- OPC’s 2008 NEEDS ASSESSMENT was completed and submitted to DMH in March
- The full document is available on OPC’s webpage at www.opcareaprogram.com

System Wide Issues

Information in black is identified need; information in red is what OPC is doing this fiscal year to respond to the need.

- Transportation, particularly in the rural areas, as well as transportation between services programs within the three county area
 - Housing specialist sits on the Orange County Transportation Services Board
 - Some substance abuse non-UCR funds can be used to offset barriers such as transportation
- Outreach services for the Latino/Hispanic community including culturally and linguistically competent service providers
 - El Futuro awarded \$50,000 in mental health trust fund dollars to expand capacity to offer services in community health centers in Carrboro & Siler City; the OPC Area Board approved the OPC Cultural & Linguistic Plan; cultural and linguistic competency goals are being added to this year’s work plan for all employees
- Transitional services for consumers
 - The Arc of Orange County received \$40,000 mental health trust fund dollars to expand its “Big Deal” program to provide supported employment services, including young adults transitioning to high school
- Appropriate & affordable housing for consumers across all three counties
 - See *Housing Update* below.

Adult Mental Health & Substance Abuse Service Needs

- Substance abuse intensive outpatient services in all three counties

- OPC currently has IOP in Orange County, a modified IOP in Chatham County, and SA outpatient services in Person County.
- Integrated Dual Disorders Treatment groups
 - OPC has one provider doing dual diagnosis groups
- Wellness Management & Recovery groups
- Community Support Team services (particularly in Chatham & Person counties)
 - OPC awarded Housing for New Hope \$90,000 in mental health trust fund dollars to support expansion of the CST to offer clinical support to homeless and those at risk of homelessness
 - Currently have six providers across eight sites endorsed to do CST, with at least one in each county
- Oxford Houses in Person & Chatham counties
 - Freedom House has been approved to receive substance abuse CASP funding, which will include funding for Oxford houses in both Person and Chatham Counties
- ACTT services for homeless population

Child Mental Health & Substance Abuse Service Needs

- Crisis Therapeutic Foster Care/Rapid Response (Orange, Person & Chatham counties)
 - OPC has one agency that provides three emergency therapeutic foster care homes for children in crisis. Rapid Response homes are 30 day placements.
- School-based mental health services, including Day Treatment, in all four school districts
 - OPC has projects in Chapel Hill, Carrboro and Orange County schools for early intervention school based mental health services.
- Full range of adolescent substance abuse options
 - OPC is working with providers to implement evidenced based assessments to treatment for youth involved in the juvenile justice system. Reclaiming Futures is part of a national initiative sponsored by the Robert Wood Johnson Foundation.
- Structured activities for youth with emotional disturbance and substance abuse issues during non-school time
 - OPC supports the use of state mental health dollars for Boomerang which is a short term suspension program for Chapel Hill/Carrboro city schools.
- Transitional services for youth nearing adulthood
 - Last fiscal year mental health trust fund dollars supported two providers in developing housing options for young people with mental illness transitioning to adulthood.
 - This fiscal year, state mental health dollars support our provider in furthering developing their apartment program for 18-21 year olds.
- Trauma treatment by clinicians trained in evidenced-based models
 - OPC is sponsoring a training series for licensed clinicians on an evidence based trauma treatment model called Trauma Focused Cognitive Behavior Therapy. The series started in May 2008 and includes four full days of training and monthly learning communities for a full year. OPC will also sponsor a Dialectical Behavior Therapy (DBT) for adolescents training this fiscal year.

Developmental Disabilities Service Needs

- Emergency out-of-home respite options other than the regional developmental center
 - The legislature appropriated funding to implement the DD START model in NC, which will include 12 respite beds across the state, 4 in the Central region.
- Crisis services capacity with DD expertise, including emergency respite, mobile crisis and outreach services, and facility-based respite services capable of handling aggression and other challenging behaviors
 - The legislature also appropriated additional funding for mobile crisis services which will serve all three disability groups, including the developmentally disabled. There will be two DD START teams in the Central region which will provide more specialized and intensive supports to DD consumers.
- Readily available psychology and psychiatry consultation for screening, triage and referral, and crisis service providers
 - OPC has psychiatry available within our provider community in all three counties.
 - OPC maintains a contract with the Center for Development & Learning for psychology services and maintains a list of private psychologists in the area with DD expertise as well. The new CAP-MR/DD waivers being implemented on November 1, 2008 will include a new service called Behavior Supports which

will be an additional resource we can tap into when trying to access these types of supports for individuals with DD.

Did You Know That During The Last Fiscal Year OPC...?

- Completed 86 site visits with providers in the catchment area for endorsement, monitoring, complaint investigations, level III incident investigations, health and safety reviews, and/or substance abuse block grant monitoring
- Processed 285 incident reports
- Processed 927 law enforcement requests for concealed handgun permits
- Provided or facilitated the provision of 71 trainings for the provider community
- Participated on 79 local and/or regional committees
- Completed approximately 35,000 authorizations for state-funded services
- Had one of the lowest residential placement rates for children in the region at 3%
- Served 852 individuals in facility based crisis and provided mobile crisis to 303 individuals
- Answered 960 customer services calls, which does not include any follow-up to the initial calls

Housing Update

- OPC has six Shelter Plus Care grants that serve approximately 29 individuals.
- Over the past 3 years OPC has targeted newly awarded Shelter Plus Care grants to serve chronically homeless individuals. We currently serve a total of 9 chronically homeless individuals. In 2008 we were awarded one new housing subsidy for a chronically homeless person. OPC's effort in targeting the chronic homeless population is directly aligned with the Orange County Ten Year Plan to End Chronic Homelessness and federal initiatives that prioritize funding for this population.
- OPC is a member of the Executive Team for the Orange County Ten Year Plan to End Homelessness.
- OPC awarded our PATH provider, Housing for New Hope, \$90,000 in Mental Health Trust Fund dollars with one purpose of providing housing subsidies to assist up to six homeless and chronically homeless individuals as they move toward securing permanent supportive housing. We also provided funding for HNH to create a Housing Support position and to expand their existing Community Support Team from Durham.
- Orange County recently had 2 new developments approved for 2008 Tax Credits. OPC will serve as the Local Lead Agency for the 14 Targeted Units that will be set aside for Persons with Disabilities from these two projects; these units are affordable such that tenants pay no more than 30% of their income toward rent. LLA's facilitate access to an array of supportive services for tenants in Targeted Units and act as the liaison between the property manager and service provider, ensuring that supportive services are intact.
- OPC participated as a lead planning partner in the 2007 and 2008 Orange County Project Homeless Connect. In 2007 more than 130 individuals received services as the event and in 2008 the number grew to more than 202. In both 2007 and 2008 OPC had at least six staff members participating in the event to aid persons in accessing these much needed services.

Chairman Lucier stated the presentation had been thorough and informative, and asked had they seen an increase in the number of people requesting services during this time of economic uncertainty, and if so how was that broken down in terms of general mental issues versus substance abuse and other specific issues. Ms. Truitt stated they had seen an increase in requests for services and did believe there was a parallel to the economic conditions and what Social Services and other organizations such as the food bank were experiencing. She stated they had seen an increase in the number of people who were experiencing anxiety disorders or marital difficulties related to the economy. But, she said, they were not seeing an increase in the number of people who were qualified to receive Medicaid assistance, and that would continue to be an issue for them because that meant more people were relying on State funds for their services, and that funding was decreasing rather than increasing.

George Gregor-Holt reiterated that OPC Health was working under very difficult circumstances and he very much appreciated Ms. Truitt for her leadership.

Commissioner Cross asked how the new Chatham Hospital was playing into OPC services. Ms. Truitt stated the Hospital was doing a great job in partnering with OPC and related

a recent example of that partnering, noting they had created a strong alliance team and worked well together.

Commissioner Thompson asked if that collaborated with the Chatham Transit Network or others to provide transportation for people who needed services as well as transportation. Ms. Truitt stated they did, adding that transportation between the three counties would always be a priority because it was a huge need.

SOLID WASTE FEASIBILITY STUDY PRESENTATION

Doug Carver, Solid Waste Advisory Committee Chairman, provided a brief history of solid waste activities in the County, beginning with green boxes placed all over the County and then moving towards collection centers in the early 1990's, then working on siting a landfill. He stated then the idea of a transfer station came into being, and then in 2003 they had asked the Board for a feasibility study on disposing of waste in Chatham County. Mr. Carver stated after the study they had determined siting a landfill was not the way to go, so they had looked for other alternatives including unit pricing or "pay as you throw" which was very unpopular with the public so was never considered. He stated today they were providing the results of a study the Board had approved in 2007 to address solid waste disposal issues.

Pieter K. Scheer, P. E., with Richardson Smith Gardner and Associates, provided the following PowerPoint presentation entitled "Chatham County Solid Waste Disposal Feasibility Study":

Outline

- Evaluation of Landfill Alternatives
- Economic Evaluation of Disposal Options: Continued Transfer of Waste (WM Facility); County Landfill Options; and, County Transfer Station Options
- Conclusions

Landfill Alternatives

- What are the Alternatives to Landfilling?
- Do any of these Alternatives make More Sense for Chatham County?

Landfill Alternatives Evaluated

- Waste Incineration Technologies: Incineration; Thermal Depolymerization; Pyrolysis (Polymer to Energy); Waste Gasification; and, Plasma Arc Technology
- Waste Handling Technologies: Refuse Derived Fuel (RDF); and, Mixed Waste Processing
- Waste Conversion Technologies: Waste to Diesel; MSW (Municipal Solid Waste) to Ethanol; Anaerobic Digestion; Composting; and, WastAway

Economic Evaluation of Disposal Options

- Solid Waste Management Costs are Related to Control:
 - In-County Landfill → Most Control of Costs
 - Transfer Station Ownership → Some Control of Costs
 - Use of Private Transfer Station → Limited Control of Costs
- Sufficient Waste Stream is Necessary for Economic Viability.

Economic Evaluation of Disposal Options

1. Continued Transfer of Waste (WM Facility) (Baseline for Comparison)
2. County Landfill Options
 - A. County-Controlled Waste (50 Tons/Day (TPD) Starting Tonnage) (14,000 Tons/Year (TPY))
 - B. All-County Waste (180 TPD Start) (50,400 TPY)
 - C. All-County Waste (with Additional/Complimentary Services)
 - D. 300 TPD Start (84,000 TPY)
 - E. 500 TPD Start (140,000 TPY)
 - F. 1,000 TPD Start (280,000 TPY)
3. County Transfer Station Options
 - A. County-Controlled Waste
 - B. All-County Waste

Economic Evaluation of Disposal Options

Additional/Complimentary Services:

- Can a landfill handling All-County Waste also allow for funding some additional and/or complimentary service???
- Could include Recycling, Waste Reduction, Diversion and/or Reuse Actions.
- Option 2C assumes funding at \$5/ton after initial development costs are paid for.
- Over time approx. \$14.8M would be generated

Table Summary of Selected Options:

Parameter	Continued Transfer (WMI T.S.)	Landfill Options			Transfer Station Options
		All-County Waste (180 TPD Start)	All-County Waste (with additional complimentary services) ³	500 TPD Start	All-County Waste
Option #	1	2B	2C	2E	3B
Period of Evaluation (yrs.)	45	45	45	45	45
Initial Development Costs	--	\$9,185,000	\$9,185,000	\$14,025,000	\$1,875,000
Cumulative Profit/Loss	\$1,825,192	\$59,471,635	\$47,936,736	\$131,859,389	\$16,986,020
Cumulative Net Present Worth	\$630,252	\$10,870,333	\$7,250,654	\$35,365,265	\$3,517,941
Time To Breakeven (Yrs.) ^{1,2}	1	20	23	11	19
Landfill Footprint (Acres)	--	60	58	90	--
Landfill Capacity (Tons)	--	3,500,000	3,350,000	7,780,000	--
Landfill Life (Yrs.)	--	40	40	40	--
Average Cost/Ton ⁴	\$95.07	\$51.94	\$58.18	\$33.74	\$81.65

Notes:

¹ Time to breakeven is from start of operations.

² Breakeven time is based on cumulative profit and loss projection.

³ Note that Options 2B and 2C are similar with the exception of additional funds expended over time in Option 2C for additional complimentary services. A reduction in disposal tonnage is assumed for Option 2C, which results in a slightly smaller required landfill.

⁴ For Option 1, the average cost per ton is based on the cumulative cost for transfer of County-controlled waste over the study period. For Options 2A through 3B, the average cost per ton is based on the cumulative expenses for development and operations and the tons transferred or disposed over the life of the facility.

Economic Evaluation of Disposal Options

Total Cost of Waste Disposal:

- For each option, what is the total cost of disposal for All-County Waste over the study period?
- This is the cost that is passed along to County citizens and businesses.

Figure 7: Indicated Cumulative Cost of Disposal vs. Time (All-County Waste)

- Options 2B/2C (All-County Waste): +/-(\$200M)
- Transfer Options: (\$300M)+

Conclusions

Evaluation of Landfill Alternatives:

- Alternatives to Landfilling are Not a Viable Option for Chatham County at this time.
 - All require a landfill for disposal of ash, unsuitable materials or byproducts.
 - All have high capital and operational costs.

Economic Evaluation of Disposal Options:

- A landfill (Option 2A) or transfer station (Option 3A) handling only County-Controlled waste is not desirable and should not be pursued.
- A landfill (Option 2B) handling All-County waste appears significantly more favorable economically than the continued transfer of waste. A landfill at this tonnage could also support additional/complimentary services (Option 2C) while still being more favorable than the continued transfer of waste.
- A transfer station (Option 3B) handling All-County waste appears only marginally more favorable economically than the continued use of the Siler City Transfer Station.
- The addition of out-of-County waste would improve the economy of scale and would provide additional revenue for the County.
 - A County landfill up to around 500 TPD could be feasible but would require a partnership with one or more neighboring counties/municipalities and/or private hauler(s).
 - A County landfill handling more than 500 TPD is likely unrealistic except by partnering with a Private Company.

Overall:

- Numerous Sites Could Support a Long-Term Landfill.

- A County landfill handling All-County waste (or greater tonnage) has a number of tangible and intangible benefits including:
 - Better control of future solid waste management costs;
 - Better control of recycling and waste reduction;
 - Lowered cost of solid waste management for all citizens and businesses;
 - Benefit to businesses looking to locate within the County;
 - Reduced emissions of waste hauling vehicles; and
 - The potential for additional and/or expanded solid waste management programs.

Mr. Carver stated that the County was obligated by State statute to provide some sort of disposal service to its citizens. He stated that the SWAC had provided the Board with a presentation in 2007, and had decided to provide that 2007 information in conjunction with an update for information purposes. Mr. Carver provided the following PowerPoint presentation:

Waste Disposal Issues, September 2007

- Chatham County has NO adequate waste disposal plan
- Unsupported past SWAC recommendations have contributed to looming problems

April 6, 2009 UPDATE

- A previous SWAC recommendation - Unit Based Pricing for waste disposal (1997)
- If adopted, this proposal will provide Chatham County with a 40 –50 year plan
- If not, SWAC and Board of Commissioners will need to pursue an alternative
- The urgency for a firm plan grows as time passes

Short Term Disposal, September 2007

- Year-to-year agreement with Waste Management of the Carolinas, Inc. to transfer our waste out of the County

April 6, 2009 UPDATE

- The County has a year to year agreement with Waste Management of the Carolinas which is not adequate because it leaves the County vulnerable to a volatile industry
- The base tipping fee is up from \$47.68 to \$49.73 plus a per ton fuel surcharge

Long Term Disposal, September 2007

- No long term contract
- No security
- No control

April 6, 2009 UPDATE

- No long term contract with Waste Management Inc., waiting for results of this study
- No security
- No control

Other Concerns, September 2007

- County Land Use Plan does not address solid waste needs
- Changing regulatory landscape

April 6, 2009 UPDATE

- To date the County Land Use Plan still does not provide for Solid Waste infrastructure
- Disposal becomes harder and more expensive to obtain and provide as time passes

SWAC Recommendations, September 2007

- Continue improving communication with the Board of Commissioners
- Short Term Disposal: minimum 5 year contract
- Land Use Plan revised to address solid waste needs, i.e. infrastructure
- Long Term Disposal: build a County-owned Landfill

April 6, 2009 UPDATE

- A member of the Board of Commissioners regularly attends meetings
- Thanks to ALL of the Commissioners
- The last three items are still valid
- This study confirms that a County Landfill is the best solution for Chatham County Solid Waste for years to come

Benefits of County-owned Landfill, September 2007

- Revenue Potential
- Economic Development
- Control + Security + Options for Waste Reduction and Recycling

April 6, 2009 UPDATE

- All three are still valid and proven so with the economic conditions of the past 12 months
- Landfill collections are more reliable than tax collections
- There is a dwindling availability of landfill space in North Carolina

Summary – April 6, 2009, The Next 40 Years’ Savings

- Do nothing (Transfer Station) = (\$356 M.)
- All County Waste Landfill = \$143 M.
 New Recycling Funds = \$ 15 M.
 (\$9 M. Development Costs included)
 Total Savings = \$158 M.
- Partner to a 500 TPD = \$224 M.
 New Recycling Funds = \$ 15 M.
 (\$14 M. Development Costs included)
 Total Savings = \$239 M.

Summary – April 6, 2009

- 1993 - 2008 the County has spent for disposal through the Transfer Station: **\$6,631,933**

Summary – April 6, 2009 Cost Estimates for the Next 5 Years:

	YEAR	1	2	3	4	5	Operations Begin
180 TPD	\$214 K	\$247 K	\$280 K	\$295 K	\$675 K	\$1.5M	
500 TPD	\$494 K	\$542 K	\$585 K	\$599 K	\$1.2 M	\$2.4 M	

Costs Include:

- Land Costs
- Environmental Impact Assessment
- Legal Fees/Expenses
- Design and Permitting
- Construction & Equipment
- Interest Costs
- 10% Contingency

Summary –April 6, 2009 SWAC’s Recommended Actions

- SWAC: seek public comments through 4 to 6 public meetings by region
- SWAC: return to the Commissioners with public input by July 2009
- Staff: explore interest from potential neighboring counties by _____
- Commissioners: review study for details and any questions by _____

Commissioner Kost stated once the SWAC had gathered public comment, would they make a recommendation on the options. Mr. Carver replied yes.

Commissioner Vanderbeck stated according to the presentation, which was well done and very informative, it was easy to say they had to do something; that the taxpayers had to realize that tax dollars would have to be earmarked for that purpose; that they did have some good options to consider; that they should reconsider the merits of a “pay as you throw” or unit pricing program; that the sooner such a program were implemented the sooner they would be able to begin saving dollars, reduce waste going to the landfill, and increase recycling; and, that going with the landfill option would be a major investment and there were many issues that had to be weighed and considered. Commissioner Vanderbeck agreed that the Land Use Plan needed to be updated, and that educating the public through the public input sessions would be a key factor in acceptance by the public of any options.

Commissioner Cross stated that if unit pricing were implemented, it could become a part of the tax bill, but feared that such a program would mean a lot more garbage would be discarded along roadsides. Mr. Carver stated they had talked with other counties using the unit pricing

method and they had indicated they had not experienced a significant rise in trash being discarded inappropriately. Commissioner Cross stated he believed there was enough property at the old landfill site for a new landfill, and they could look into mining the old landfill and removing materials that could be recycled and then install a liner and reuse the space. Mr. Carver stated that site was one of the five sites that was being considered, noting there was enough land there but additional land may need to be acquired as time went on.

Chairman Lucier asked was the current landfill lined. Mr. Carver stated it was not lined. Chairman Lucier stated the life of the landfill was noted at 40 to 50 years, and asked was that because of the life of the liner. Mr. Carver responded it was because of the size of the property.

Chairman Lucier asked what the life of the liner was. Mr. Scheer stated today's liners were much improved over what had been available 15 or 20 years ago, and modern liners would last hundreds of years. He added that should be a part of the public education process.

Chairman Lucier stated he noticed that Chatham County did only 0.7 tons per person per year whereas the State average was 1.3 tons. Mr. Carver stated he was happy to report that he had learned on Wednesday that they were down to .65, so it had decreased. Chairman Lucier stated then the trend over the last 15 years was a steady decrease, and that included those who had contracts with the waste transfer station which was about 30,000 tons per year and the County did about 11,000. Mr. Scheer stated the total generation in the County averaged about 42,000 tons. Chairman Lucier asked what they were talking about in terms of an all-County landfill. Mr. Scheer stated about 180 tons per day, and most landfills operated 5½ days a week so they assumed a 282 day operation period.

Chairman Lucier stated they were close to that capacity of 180 tons per day now, because they were at about 140 to 150 tons per day now. Mr. Carver agreed, noting that their projected starting point in 5½ years was 180 tons.

Mr. Scheer stated that figure included the projected growth in population in the County, noting that it would quickly rise to about 200 tons. He stated even with the low per capita disposal rate which the County should be applauded for it had remained consistently at that level where many counties were much higher.

Chairman Lucier stated that amending the Land Use Plan was one of the goals for next year, noting they had amended and created some new ordinances so they would need to look through the Land Use Plan to make sure it was consistent with those ordinances, and that these recommendations would be taken into consideration at that time.

Commissioner Kost stated in regards to partnering with other jurisdictions, had it always been assumed the landfill would be hosted by Chatham County and not one of the partners. Mr. Scheer replied yes, noting in the model it was assumed that whatever happened related to the landfill it would happen in Chatham County since they had no partner to begin with. Commissioner Kost asked if they knew about any interest from surrounding jurisdictions other than Orange County. Mr. Carver replied not at this time.

Bob Holden stated he believed any county would want to have another county host its landfill, but they had not yet actively pursued that.

Mr. Carver stated the County would want the partner they were looking for to fall into those tonnages because they did not want an extremely large producer of waste as a partner.

Commissioner Kost stated it was just too abstract right now, because siting a landfill was one of the most difficult things a community did, noting Orange County had been trying to do so for 18 years.

Commissioner Cross stated as far as tonnage, Alamance or Randolph might be willing to join Chatham County as a partner.

The County Manager stated to clarify all-County meant all municipalities within the County. Mr. Scheer replied yes, it meant everything generated within the County. The County Manager asked had they looked at any flow control issues that might evolve. Mr. Scheer stated that would be a requirement, and unfortunately they had a limited number of municipalities. He

stated if the County decided to pursue a landfill they would need to open discussions internally within the County and outside the County as well. The County Manager stated the flow control issue dealt with the Interstate Commerce clause which required waste flows to go into a particular site. Mr. Scheer stated there were other counties, such as Buncombe, that had flow control instituted that directed the flow to its landfill.

Mr. Carver stated the Supreme Court had ruled about a year ago that flow controls could be instituted as long as the landfill was governmentally owned.

Commissioner Kost stated there were a couple of thousand people in Chatham County who lived in Cary, and asked would their waste go to Wake County. Mr. Carver stated unless they had an agreement with Cary stating otherwise, that waste would go to Wake County.

Commissioner Vanderbeck, speaking to the comment regarding unit pricing perhaps causing more roadside waste, stated that people disposed of their waste now at the various collection centers and there were still some people who were very resistant to removing glass and cans and the like. He stated again the key was education and perhaps better enforcement if necessary.

Chairman Lucier stated the material indicated that between 1993 and 2008 the County had spent about \$6.6 million for the transfer station so that averaged out to about \$450,000 per year, and asked how that had changed over time. Mr. Carver stated there had not been a significant change, but it had increased slowly over the last 15 years as the population increased.

The County Manager stated the only difference was the spiking that took place with regard to the fuel surcharge which took it over \$52 per ton. Mr. Carver stated it had spiked to about \$56.

Commissioner Cross stated the fuel costs had gone down but the spike stayed up.

Chairman Lucier stated over 15 years the County had spent \$6.5 million, but the material indicated \$158 million in savings for the all-County landfill over a 40-year period, which came out to a savings of almost \$4 million a year. Mr. Scheer stated the \$6.5 million was just for the County-controlled waste, and did not include those with private contracts. Chairman Lucier stated he would like to see those figures broken out in terms of the financial evaluation, and as they went through the public education process those numbers would have to be made clear. Mr. Scheer they had looked at the numbers in terms of the entire County just to illustrate the point.

Chairman Lucier asked the Board if moving forward with the public education sessions was a good idea. Commissioner Cross responded yes, as did Commissioner Kost, who stated the Board should be notified of the schedule so that the Board members could attend if they chose to.

Loyse Hurley, President of CCEC, asked the following questions: (1) Would placing a new landfill at the old landfill site have any regulatory impact and associated costs on the old, unlined, now closed, landfill?; and (2) Qualitative and quantitative treatment of any leachate would have to be done at the Siler City or Pittsboro wastewater treatment plant or on site. Have the costs for this leachate treatment and conveyance of same been considered?

Mr. Scheer stated as to the first question they would have to go through a permitting process with the State for whatever site was chosen. He stated there would be some benefits to improving the groundwater by placing a new landfill at the old site, noting the impact overall to that site would be positive because unlined areas could be lined, the existing waste footprint could be reduced, and there would be more aggressive monitoring to allow better protection. Mr. Scheer stated as to the second question regarding leachate collection, it depended on the size of the facility, and for an all-County landfill the facility would not be that large and should not have a great impact on wastewater treatment. He stated the quantity would generally be low and in most cases it would be fairly dilute of water.

Jim Hinkley asked if the current landfill was large enough and were they sophisticated enough to consider in their planning the collection of methane. Mr. Scheer responded absolutely, that landfill gas projects were becoming more prevalent each day and that was something they would definitely want to pursue as they developed a landfill.

Gary Bilbro, Executive Director of the Carolina Recycling Association, stated that he had been actively involved with the SWAC for over a year and commended them for putting together a proposal that included \$15 million for advancements in recycling for the future. He stated that whenever possible when looking at the plans that they look for recycling opportunities for all waste, such as construction and demolition waste. Mr. Bilbro stated there were many opportunities for recycling and the CRA would be happy to work with the County in coming forward with ideas and recommendations.

Mr. Bilbro stated there were many bans in the State with more on the horizon, such as a wood waste/pallet ban, oil filter ban, and oyster shell ban, and he wanted to make sure that as the County moved forward that they were aware of those waste streams.

Chairman Lucier stated his points were well-taken, particularly regarding construction and demolition waste since they expected to have a lot of construction in the County in the not too distant future.

Commissioner Thompson asked if the Board were to approve a motion today that they were going to start the process of building a landfill in the County, given that they already had the land, what the timeframe would be from now to actual opening. Mr. Carver responded about five years. He stated one benefit that had not yet been mentioned was that with a central location they would no longer have to haul waste as far, such as to Siler City, if they partnered with the right community. Mr. Carver stated they had discussed the components for construction and demolition waste recycling, and the only drawback to that was the cost. So, he stated, because they knew they were going to have to have a landfill the first thing was to concentrate on that and then begin to consider those other issues.

Commissioner Thompson stated it would behoove them to proceed with the public meetings as well as seeking at minimum a five-year contract for the company hauling the County's waste. Chairman Lucier agreed, stating it would take five years even if they moved as quickly as possible.

By consensus, the Board agreed to pursue the next round of five-year contracting.

Commissioner Vanderbeck moved, seconded Commissioner Cross, to ask the Solid Waste Advisory Board to proceed with conducting the public meetings. The motion carried five (5) to zero (0).

GRAND TREES

The County Manager stated as a follow-up, staff had prepared a draft ordinance that would establish a tree recognition board known as Grand Trees of Chatham.

Chairman Lucier stated he had a few questions about the composition of the board, but the board would educate and provide awareness of trees in the County that should be protected and would work with municipal governments to do that. He stated the board would also establish criteria for those trees most in need of protection. The County Manager stated there was a grant application that had been filed to cover the expenses of this board, which would be minimal.

Commissioner Thompson asked was the assumption inherent in the document that the County would fund this group. The County Manager stated they had cautioned them not to expect funding from the County. Commissioner Thompson stated he was not saying he was adverse to doing that, but the language in the document certainly implied that.

Chairman Lucier stated that Section 2.3 mentioned that board members would serve without pay but may be reimbursed for actual expenses from funds available to the board. So, he stated, if the board wanted funds they would have to make a request to the Commissioners and it would have to be approved.

Commissioner Kost stated she agreed with Commissioner Thompson that the wording, especially in the last three sections, implied that the group would be County funded.

Chairman Lucier stated that was not something they would normally do for their advisory boards. The County Manager agreed. Chairman Lucier stated then that language did not need to be in the document.

Commissioner Kost asked if in fact the County ever appropriated funds to that program would they have a performance agreement that set out the guidelines. The Finance Officer responded if they received funding they would need to file a report with the County every quarter and follow through on the programs being funded. Commissioner Kost asked was that done through an actual contract. The Finance Office stated it was an agreement, which in effect was a contract.

The County Manager stated if this board was established and applied for funding they would need to go through the County's normal non-profit funding process, so there would be a formal review.

Commissioner Cross suggested having the ordinance put in the same standard form as similar ordinances so that the language was not contradictory to the County's processes and policies.

Chairman Lucier agreed, noting that the other issue to him was the lack of clarity associated with the group having 7 to 15 members appointed by the Board of Commissioners, but no mention of trying to achieve geographical diversity or whether they would all be full Board appointments. He stated it appeared that the four municipal governments in the County would have up to 2 members, and that might be where the difference between the 7 and 15 members came in. And, he stated, it appeared that the four municipal governments would determine whether they wanted 1 or 2 members on the board.

Commissioner Vanderbeck stated in Section 3.0 it talked about staff support, so there was some ongoing budgetary impact associated with that. The County Manager stated they had related to this group that their staff support would have to come from the Extension Service.

Commissioner Kost stated that Section 3.2 troubled her somewhat, in that the language indicated that the Chair of this group would have the power to dismiss Commissioner-appointed members for non-participation. She stated that needed to be worked out. Chairman Lucier stated there did need to be some minimal criteria for attendance, noting other advisory boards had similar processes, such as the Planning Board. Commissioner Kost agreed, but stated the Board of Commissioners would actually be the ones to dismiss a member that was a Commissioner appointment.

Chairman Lucier stated that no action would be taken at today's meeting but it would return to the Board for review on April 20th.

LUNCH

The Chairman called for a lunch break with the meeting to resume at 12:45 PM.

SIDEWALK PROJECT ON US #15-501 FROM MANN'S CHAPEL ROAD TO SOUTH OF THE ORANGE COUNTY LINE DISCUSSION

Ben Howell, Planner, provided an introduction and background of previous Board actions, as well as issues for further discussion and analysis. He stated that the project came into being three weeks ago when the MPO received \$7.9 million in stimulus funding and had decided to do a proportional distribution to each jurisdiction within the MPO. Mr. Howell stated each jurisdiction was given one week to propose a project and submit it to the MPO for funding, and Chatham County was receiving \$245,255 from that stimulus funding through the MPO. He stated that because the funding was coming through a transportation program, there was a limited category of projects that the funding could be used for, which did not include roadway projects but did include such things as public transit, bicycle and pedestrian facilities, and the like.

Mr. Howell stated after some research staff, in working with some of the Commissioners and the County Manager, had determined that a sidewalk project along US 15-501 from approximately the County line to either the Eagle's Gas Station or to Cole Park, depending on how far the money would stretch, would be the most appropriate project. He stated the MPO had

put the project on its list and that list had more or less been approved for funding by the Technical Coordinating Committee to the Technical Advisory Committee, who would actually make the final decision for the MPO.

Mr. Howell stated because these were stimulus funds, there were extremely tight deadlines placed by the MPO and DOT for completion of the project, with all construction funds to be obligated no later than September 30, 2009. He stated in order for those funds to be obligated by the deadline, the DOT had indicated it needed all preliminary documentation, engineering and design, right-of-way certifications, utility certifications, and environmental documents by the end of August. Mr. Howell stated the MPO had further stated that they had placed a checkpoint into the process of July 1, where they would expect the jurisdictions to show that they had made significant progress on those projects in order to move forward. He stated although it had not been specifically said, it appeared that if the MPO did not believe the project had enough progress to move forward on time, then the MPO had a list of transportation contingency projects that they would then shift the funding to. Mr. Howell stated that Chatham County did not have any projects on that contingency list.

Mr. Howell stated the DOT was treating the funding as an enhancement project, which were generally sidewalks, landscaping and the like, and because of that there were a series of 12 steps the DOT had provided that had to be completed in order to do that project. He stated the first step was that the County must sign a Local Agreement with DOT for the project that said that DOT would allow the project and that the County would cover all costs of the project, and laid out when progress reports were due and what documentation was required. Mr. Howell stated in order for that local agreement to be signed the State Transportation Improvement Program document had to be amended to include the project and its funding source as the stimulus funding, which in turn would mean that the MPO's TIP document would have to be amended as well which was scheduled in April. He stated once that was achieved the document would go to the State Board of Transportation for amending of the State-wide document, and the earliest that could happen was the first of May. Mr. Howell stated because of that, the agreement would not be executed until after the first of May.

Mr. Howell stated that the State DOT had indicated it would likely take two to three weeks for the agreement to be reviewed and comments received, so they were looking at close to the beginning of June before a completed agreement was available, and once that happened the Chatham County Board of Commissioners would need to execute the agreement which would then go back to the State for State execution and to the DOT for DOT execution, and then the project could begin. Mr. Howell stated if they wanted the entire cost of the project including engineering and design to be paid for from the stimulus funding then it appeared that the earliest they could begin working on engineering and design and certifications would be sometime in July which would give them perhaps a month or slightly longer to get all the documentation turned back in to the DOT at the end of September.

Mr. Howell stated the other option was that the County, as recommended by the MPO and DOT, could pay for some or all of the preliminary engineering and design and certification costs prior to the agreement being completed, and if they did that the stimulus funding would pay only for the actual costs of construction. He said if the County were willing to do that then they could meet all the deadlines on schedule. Mr. Howell stated he had acquired a rough estimate from an engineering firm, and based on approximately 5,000 to 6,000 linear feet of sidewalk, which was about a mile, that would take them from either the south or north side of the Eagle's Gas Station all the way up to the County line, and the very rough estimate for construction was about \$250,000. He stated based on that cost of construction the engineering costs would be between \$30,000 and \$40,000.

Chairman Lucier asked if the County Line people would be paying for the sidewalk in front of them. Mr. Howell stated he was not involved in that discussion, but if that was the case that would shorten up the sidewalk link by a couple of hundred feet. Chairman Lucier stated that would get them all the way to Mann's Chapel Road. Mr. Howell stated they had not yet had engineers look at the area to determine any problems, but based on his observations there may be some difficulty in getting the sidewalk in between Mann's Chapel and the Eagle's Gas Station based on apparent right-of-way width and existing ditches that may have piping. He stated the easiest portion would definitely be between the recycling center road up north to somewhere around the County line.

Chairman Lucier stated it appeared that this was an elaborate scheme for DOT to get Chatham County's \$245,000. Mr. Howell stated the funding would come to the MPO. Chairman Lucier stated but it was DOT that had established those ridiculous timelines. Mr. Howell stated that was correct, and it was his understanding that the reason for those tight timelines was because DOT believed that once this round of funding for projects were completed there would be a second round of stimulus funding from states that were not able to get all their funding obligated, and our State DOT wanted to be able to say they had obligated all of their funding and be in a position to receive some of that additional funding.

Chairman Lucier stated then the question the Commissioners had was whether or not they would spend the \$30,000+ to do the engineering and design. He asked if they could formally request through their legislators that any costs to accomplish those deadlines be reimbursed. Mr. Howell stated they could ask but did not know how flexible the process was.

Mr. Howell stated that based on some preliminary documents received from the DOT that needed to be completed so that DOT could begin working on the local agreement, they would need some engineering work done in order to complete those documents which would include the preliminary scope of the project and estimates for construction. He stated that the documents were fairly technical and no one in the Planning Department had the required expertise to complete them, so if the County wanted to move forward with the project they would first need to hire an engineering firm to do some very preliminary work in order to get the information needed to complete the DOT preliminary documents. Mr. Howell said once that was done, it was up to the Commissioners to decide whether to begin the engineering and design and certifications prior to the agreement being put in place. He stated even if everything happened on schedule and all deadlines were met, if they were to get the agreement completely executed in July they may still be able to meet all other deadlines with the engineering work completed after the local agreement were signed, although that could not be guaranteed.

Chairman Lucier stated then there were four options, the first being that they try to meet all the deadlines, and if they did not meet them then they would lose the funding. But, he stated, at the least the County would not be out any money. Mr. Howell stated if they got the agreement signed and began the engineering and design but they did not meet the August 30 deadline, he did not know if the County would still get reimbursed. Chairman Lucier stated if they did everything they could as quickly as they could, then why wouldn't they get reimbursed. Mr. Howell said he assumed they would, but he did not have a firm answer. Chairman Lucier stated that question needed to be answered. He stated the second option would be to pay the engineering costs to make sure they met the timeline, and the third option would be to temporarily meet the cost and then insist to the legislators that the money be reimburse because the County had acted in good faith. Chairman Lucier stated the fourth option would be to pull out the project all together.

Commissioner Cross stated if the stimulus money had not been a possibility then this project would not even be considered. He stated he had no interest in spending taxpayer money for a sidewalk on 15-501 unless they had some level of certainty that they would be reimbursed for all costs. He stated he would advocate for Option 1, or Option 4 if costs could not be reimbursed.

Commissioner Kost asked if the MPO staff was capable of doing the preliminary work to get the documents completed. Mr. Howell replied no, that most of their staff dedicated to that type of work were transportation planners and he was not sure they would be able to work on a specific jurisdiction's project. Commissioner Kost stated she believed they would because as members of the MPO they were the County's staff, too. Mr. Howell stated that most of the other jurisdictions in the MPO had their own engineering staff that worked on those types of projects. He added that many of the projects included for funding by the other member jurisdictions already had preliminary engineering work done and they were using the stimulus funding for projects where they were not sure of State funding because of budget shortfalls.

Commissioner Kost stated when they had originally talked about this it was not just sidewalks but also some streetscaping. Mr. Howell stated that was still a part of the project. Commissioner Kost stated she believed there was a fifth option, which was to negotiate giving the \$245,00 away but getting it back in the next round of stimulus funding.

Chairman Lucier stated they would likely still have to meet a tight timeline. Commissioner Kost stated she would hope not, noting she believed the first stimulus round would have the tightest timeline. She stated it bothered her that they were being so rushed that it did not allow for a public process.

Rita Spina, citizen, stated she had been concerned because 15-501 had been a part of the Corridor Task Force's work, and they had agreed that where they had designated commercial property there would be not only sidewalks but also landscaping. She stated if this project was only sidewalks she would have to object, and suggested they consider creating a path that was pebbled rather than paved.

Commissioner Kost stated the problem with that was maintenance as well as accessibility for persons in wheelchairs or for strollers and the like.

Commissioner Cross stated he believed the suggested fifth option was a good idea, reiterating that unless the County would be reimbursed for all costs he would prefer not to go forward.

Chairman Lucier stated the list of categories for funding included scenic and environmental enhancements, and asked why they couldn't do that along 15-501 as far as the money would take them.

Commissioner Vanderbeck stated he would be in favor of that. Mr. Howell stated he had talked to the lead engineer in their Division office of DOT about the landscaping and streetscaping, and he had indicated that when a town or county wanted to do that along a roadway DOT generally did not have a problem but did request that they submit a full landscaping plan including a list of all plants, trees, or shrubs to be planted. Mr. Howell said as far as he knew, that would be an option.

Commissioner Cross asked would it be a faster option. Mr. Howell replied he did not know, because things were constantly changing with how the stimulus money would be distributed.

Chairman Lucier stated that would require having a landscape plan developed fairly quickly, and suggested doing that and to forget about the sidewalk.

Jason Sullivan, Planner, stated one consideration if they were considering just landscaping would be that if the County installed it then the County would be responsible for the long-term maintenance.

Commissioner Kost stated she did not believe it would require an unreasonable cost.

Commissioner Vanderbeck stated it appeared that they might as well just give the money back.

Commissioner Cross agreed, noting he did not want to spend any taxpayer dollars on such a project, but if they could apply during the next round of funding then perhaps they could come up with a project that would actually benefit more people than just a sidewalk on 15-501.

Chairman Lucier stated he believed they should pursue the landscaping along 15-501, which would require preparation of a landscape plan so they would need to do that quickly. Mr. Howell stated hopefully anything the plan entailed could be done in the right-of-way. Chairman Lucier stated the Commissioners needed to reach a decision of which way they wanted to go.

Commissioner Thompson stated he did not agree that they should wait until the second round of stimulus funding, that if they could meet the timelines in a reasonable manner then they should do so because there were no assurances that there would even be a second round of funding. He stated while he did not want to spend any County funds, he believed they should consider Option 1 and hopefully any money spent would be reimbursed. If not, he stated, he would opt for Option 4 and do nothing.

Chairman Lucier stated if they went with Option 1, they would have to find out if any money the County paid out for preliminary engineer costs could be reimbursed. Mr. Howell

stated was correct, noting he believed that could be answered fairly quickly. Chairman Lucier started then they could wait and make a decision at the April 20 meeting.

Commissioner Kost stated on Wednesday the MPO would be voting on the list, so if the County were to switch the sidewalk project for the landscaping project she would need to make that change on Wednesday and explain why the change was being made.

Chairman Lucier asked that she provide the MPO with an explanation and asked that perhaps they approve both projects until the County got an answer back from DOT. Mr. Howell stated if they were to switch over to the landscaping project, there was already a TIP number assigned that this project would fall under and would require only a very minor administrative change. But, he stated, the streetscaping would be a totally different TIP number and he was not sure the MPO/TAC would be willing to do an administrative modification without having the Technical Coordinating Committee put forth a recommendation first. Mr. Howell stated if they switched over the landscaping it may push the project back another month.

Chairman Lucier stated they would not know unless they tried, and Commissioner Kost would bring that up at Wednesday's MPO meeting. Commissioner Kost agreed to do so.

Commissioner Vanderbeck stated if they allowed the County to do the landscaping, could they ask them that since it was not done when the widening took place that they take care of the maintenance.

Chairman Lucier stated that was a good idea, and said DOT needed to be asked that as well.

Commissioner Kost stated that when Mr. Howell contacted DOT by email to ask for responses to the Board's questions that he copy the staff at the MPO as well as her. Mr. Howell agreed.

Chairman Lucier stated then this issue would be revisited at the Board's meeting on April 20.

PROPERTIES FOR BUSINESS/INDUSTRIAL ZONING ALONG CORRIDORS FOR PUBLIC HEARING

Jason Sullivan stated this was a continuation of the discussion from November 29 and January 26 where the Board had asked for clarification on several of the properties.

3M:

Mr. Sullivan stated the Board had said it wanted to rezone a portion of that property that fronted on Sanford Road and 15-501 South. He stated that 3M representatives were concerned that they be able to potentially use in the future portions of their property that fronted on Moncure-Pittsboro Road and to possibly put in a road access to serve their mining operation. Mr. Sullivan stated the Board had directed staff to ask County Attorney Jep Rose whether or not access roads would be allowed within the R-1 zoning district, and Mr. Rose had indicated he did not believe it would be a problem. He stated that information had been relayed to 3M and they indicated they were okay with leaving that property zoned as R-1.

Chairman Lucier stated then no action would be needed. Mr. Sullivan agreed.

Schultz Ultralight Air Park:

Mr. Sullivan stated this went back to the November 29 meeting where Mr. Schultz had said he wanted to give the matter further consideration so no decision was made on what was going forward to public hearing. He stated by the January 26 meeting Mr. Schultz still had not contacted staff so staff was directed at that time to contact Mr. Schultz. Mr. Sullivan stated staff then met with Mr. Schultz who requested further time to consider his options, and to date staff had not heard back from Mr. Schultz even though several attempts had been made to contact him. He stated staff's inclination was to leave the property RA-1.

Chairman Lucier stated then any ongoing activity on the property would become nonconforming. Mr. Sullivan stated that was correct, and Mr. Schultz had been informed of that. Chairman Lucier stated then that would not be a part of the public hearing and would remain RA-1. The Board agreed by consensus.

Ferrell Gas/Foushee Property:

Mr. Sullivan stated that Mr. Foushee had attended the January meeting and had brought up several issues with the property. He stated the Board had asked Mr. Foushee to provide additional information to staff so that it could be forwarded to the County Attorney for consideration. Mr. Sullivan stated last week Patrick Bradshaw had provided some information which had been provided to the Commissioners.

Chairman Lucier stated there was two pieces of property that Mr. Foushee was interested in, the 10-acre piece and the 7-acre piece, and the Board had originally said just take the road frontage along Old Graham Road which would be about 3 acres up to the lagoon of the 10-acre lot,

Patrick Bradshaw, Attorney for Mr. Foushee, stated that Mr. Foushee had focused on providing evidence to the County that the entire 10-acre tract was leased to Ferrell Gas for their storage purposes, and the issues Mr. Foushee had with his remaining 7-acre parcel was that regardless of how much of the 10-acre parcel was zoned for Heavy Industrial to accommodate the existing use, he would have difficulty accessing the remaining 7 acres. Mr. Bradshaw pointed out on a map the existing 30-foot access that already had 3 residential lots using it, and another 30-foot access that had at least two residential lots using it with potential for one more. So, he stated, since the entire 10 acres was under lease to Ferrell Gas that at least that 10-acre tract should all be under the same zoning. Mr. Bradshaw asked for the Commissioners consideration that at least for the public hearing that they include the 7-acre tract so that the entire property that Mr. Foushee owned would retain the potential of being put to one use due to the access issues he would have with the back portion of the property.

Chairman Lucier stated nothing the County had done had created a problem for the back portion since the two 30-foot access areas already existed. Mr. Bradshaw stated originally none of the property was zoned so there were no issues, but given the access issues it would not be possible to run a road through the heavy industrial zoning because of Ferrell Gas's existing operation and if they went the other way they would run into the lagoon.

Commissioner Kost asked for more information regarding the lagoon. Frank Foushee stated he had already explained in a previous meeting the regulatory requirements regarding the lagoon, noting at present the lagoon consisted of water and sludge from an old poultry operation. He stated if the lagoon were disturbed there would be major implications from the State, and DWQ had indicated that they would prefer it be left alone.

Chairman Lucier asked how long ago DWQ have given that indication. Mr. Foushee replied about 10 years ago. Chairman Lucier stated the State may give an entirely different answer now. Mr. Foushee stated he had talked with someone from the local department who had the same opinion that the lagoon should not be touched. He added that nothing had gone into the lagoon since the early 1990's.

Chairman Lucier stated over the last 15 years there may have been various biological processes going on that may have self-purified the lagoon, and perhaps DWQ should make another determination. Mr. Foushee stated DWQ had told him the only way to purify the lagoon would be pump everything out of it including the sludge, but the nitrification in the bottom of it could never be neutralized.

Chairman Lucier stated phosphorus was more of an issue than nitrogen, because nitrogen would get into the water and through overflow would gradually be released over time. Mr. Bradshaw stated if the Board was inclined to accommodate them by noticing the entire property for the public hearing, he would be glad between now and the time of that hearing to find out what the regulatory status of that lagoon might be.

Commissioner Vanderbeck stated there were several legal issues here that he would like to discuss in closed session. The County Attorney stated if those issues were legal matters they could be discussed in Closed Session.

Chairman Lucier asked when a decision would need to be made. Mr. Sullivan stated the public hearing was scheduled for April 27 so they would need direction today in order to meet notification requirements and to post the signs on the properties.

Commissioner Cross asked what would be the drawback to accommodate the request as stated by Mr. Bradshaw. Chairman Lucier responded the Board had used certain criteria to insure fairness and equitability as they went through the process, so accommodating the request might disturb that equity.

Commissioner Kost stated she was concerned that they would need to open back up discussion on many other properties if that request was approved.

Chairman Lucier stated there were two issues with the request, the first being the 7-acre part of the 10-acre piece and then the separate 7-acre parcel. He stated in his mind there was nothing the County had done that had exacerbated that 7 acres in terms of any zoning activity, so any problems that existed then still existed now and that had not changed. Chairman Lucier stated for that reason it did not make sense to do the 7-acre piece as well. He stated you had to remember this was located in a residential area. Mr. Sullivan stated if the mailed notice indicated that the entire 10 acres was being considered that would not commit the Board to anything, and after the public hearing they could draw back and say they only wanted to consider 3 acres. But, he stated, if they mailed the notices with just the 3 acres indicated then they would not be able to go back and consider the entire 10 acres. The County Attorney agreed that was correct.

Commissioner Thompson stated he believed they should discuss the legal issues in Closed Session as suggested by Commissioner Vanderbeck.

Commissioner Vanderbeck agreed they should do that so that a decision could be made today. Mr. Bradshaw asked would there be a possibility for further public discussion once the Board came out of Closed Session or would they then just render a decision. Commissioner Vanderbeck stated they needed to make a decision today, so someone could contact him after the meeting although there may be some public discussion.

Elois' Restaurant:

Mr. Sullivan stated that originally the owner, Phil Gaines, had requested that the property not be rezoned, but on March 10 Mr. Gaines had contacted Planning staff regarding the possibility of rezoning a portion of the property used for the restaurant, which was about 1½ acres.

Commissioner Kost asked if staff agreed with the way that portion had been carved out. Mr. Sullivan replied yes, he believed that was consistent with the criteria used in other cases. He stated if the Board was okay with that, there was sufficient time to include that in the public hearing.

By consensus, the Board agreed to include that 1½ acre portion in the public hearing.

American Self Storage:

Mr. Sullivan stated this property was on US 64 between Pittsboro and Siler City, and on January 26 the Board had decided to rezone only the portion currently used for business purposes. He stated that after that meeting the owners had emailed a letter to the Board requesting a reconsideration of the decision to only rezone a portion of their property based on their master business plan. He stated if the Board wanted to change the rezoning boundaries to cover the entire parcel there was sufficient time to modify the public hearing notice to do so.

Commissioner Kost stated the email referenced the master plan but the Board had never seen that. Mr. Sullivan stated that was correct, but one was not required.

Chairman Lucier stated the master plan could have been something that was conceptualized but not put on paper. Mr. Sullivan stated that was a possibility.

Commissioner Kost stated that given the lack of landscaping on US 64, this was not a very attractive site and she was inclined not to change it because if the owners did want to eventually use that property she would like to see it come through the Conditional Use process.

Chairman Lucier stated that was a 10.3-acre piece and the Board had recommended that roughly 6 acres be rezoned Light Industry and the other 4 acres remain RA-1. He stated Commissioner Kost was suggesting leaving that as is.

Commissioner Kost reiterated that was because of the consistency they were trying to achieve with all the properties as well as the landscaping issues. Commissioner Vanderbeck agreed, as did Commissioner Cross.

Mr. Sullivan stated notices would be mailed by the end of the week and signs would be posted as well.

Chairman Lucier stated at the public hearing would the plan be to go road by road. Mr. Sullivan stated that was correct, but there would be a series of smaller public hearings where they had discrepancies. Chairman Lucier stated then if they did not have agreements, such as with Mr. Foushee's property for example, they would have a separate public hearing. Mr. Sullivan replied yes, and he believed they would likely have 13 or 14 separate hearings.

Commissioner Kost stated there would be a lot of yellow signs being posted, and they should provide a link on the County's Web site directly to that information so that anyone with questions would be able to see what was happening.

Chairman Lucier stated an explanatory page should be posted as well to explain what the Board was doing and why, and he would like to have that sent out to the Commissioners for potential feedback before it was posted on the Web site. He indicated once the Closed Session ended, someone would give Mr. Bradshaw a call to alert him to the Board's decision regarding Mr. Foushee's property.

YMCA PROPOSAL

The County Manager stated there had been ongoing discussions between the County and the YMCA about what the possibilities might be, noting that the YMCA leases space in the County-owned Performance building. He stated their interest was to provide the capability of County as well as Pittsboro and Siler City employees becoming members of the YMCA in a relatively inexpensive way, and they were proposing a fee of \$5 per month per employee. The County Manager said in exchange, the YMCA was planning to build in Chatham County in the not too distant future and they were proposing that the County reduce their rent by \$1,250 a month which would be placed in the YMCA's capital reserve to help stimulate their raising of funds for the new building. The County Manager stated at this point they did not know what the YMCA's response would be to that proposal.

Chairman Lucier asked how they had arrived at \$5 per month. The County Manager stated they had wanted the fee to be as inexpensive as possible so that the maximum number of employees would have the opportunity to take advantage of the services, but there was no "magic" in the number. He stated the higher the rate the fewer number of employees who would take advantage of it, particularly those in the lower salary grades.

Commissioner Kost asked was it possible to set a minimum level of use since it would be costing the County \$1,250 a month. The County Manager responded they were proposing that they try this for one year because there was the issue of the cost to the County. But, he stated, if the use of the program was limited then they could revisit the issue at the end of that first year.

Chairman Lucier stated it would cost the County \$15,000 a year for the first year. The County Manager stated that was correct.

Commissioner Vanderbeck asked had the County's insurer been approached about this, because some companies would lower rates if there was a mandatory fitness program, and that

would help offset the County's cost. The County Manager stated they had not pursued that specifically but in the past regarding their health insurance they had asked about those sorts of activities. The Finance Officer stated they were self-insured, but there was a possibility of some savings.

Commissioner Vanderbeck stated there were times when employees were asked to be responsible for a higher portion of their premiums, and this was a way to get better returns on the health insurance.

Commissioner Kost stated the payback on the Performance building was nine years. Commissioner Vanderbeck stated that this would change that debt model.

Chairman Lucier stated over a nine-year period that would be \$139,000 out a total cost of \$4 million, which was over 3%.

Chairman Lucier asked were they okay with the suggested \$5 fee, noting he believed it should be \$10. Commissioner Kost agreed, noting you had to provide incentive to go and \$5 might not do it but perhaps \$10 would.

Commissioner Vanderbeck agreed that employees should have a vested interest. The Finance Director stated that persons from Siler City would likely attend at \$5 but not at \$10 because of the drive.

Chairman Lucier asked was there any objections to the program. The Board expressed no objections. Chairman Lucier asked was the preference for a \$5 fee or a \$10 fee.

Commissioner Kost stated her preference was for \$10 so that the net cost to the County would be \$625 per month.

Commissioner Vanderbeck asked if the Manager could poll employees to see if there was enough interest at \$10. The County Manager stated he believed that would be possible since they were not bound to any specific timetable. Commissioner Vanderbeck suggested doing that and bringing the results back to the Board at its next meeting for further discussion.

There was no objection from the Board.

The County Manager stated just for information that the Chatham County YMCA was directly linked financially to the Orange and Chapel Hill YMCA's, so funds coming from rent would need to be specifically earmarked for the Chatham County YMCA capital reserve.

ROCKY RIVER HERITAGE FOUNDATION AND FRIENDS OF THE ROCKY RIVER PRESENTATION

Sonny Keisler provided the following information regarding the Rocky River Restoration Initiative:

- It is a multi-year, multi-million dollar effort to provide more public spaces and to improve water quality particularly by reducing nutrients.
- They had received a \$25,000 planning grant from the Clean Water Management Trust Fund to identify more public spaces.
- Improving water quality would entail reducing phosphorus and nitrogen.
- There were now three impaired areas of the river: (1) Upper Rocky River reservoir and watershed; (2) Loves Creek; and (3) Tick Creek.
- US 64 to Upper Reservoir – needs nutrient and invertebrate studies focusing on 12 sludge deposit sites.
- Woody's Dam to US 64 (Upper Rocky River Aquatic Habitat – very high nutrient levels even after the Pilgrim's Pride closure in May 2008; large algae growths; need nutrient studies focusing on 29 sludge deposit areas.
- Deep River to Woody's Dam – large algae growths; need nutrient, invertebrate and Cape Fear shiner studies.
- The Rocky River Heritage Foundation is seeking \$205,000 in private grants to help fund needed studies. Chatham County can help by requesting assistance from the NC Wildlife Resources Commission and the US Fish and Wildlife Service and by providing funds for studies the NC DWQ is not able to finance.

Commissioner Kost asked when they would hear back about the grants. Mr. Keisler stated they should know by June.

Chairman Lucier stated what they were asking today was that the County demonstrate its commitment by agreeing to send the letters provided as drafts. Mr. Keisler stated that was correct.

Commissioner Thompson moved, seconded by Commissioner Vanderbeck, to send the letters to the US Fish and Wildlife Service and to the NC Wildlife Resources Commission. The motion carried five (5) to zero (0). Copies of the letters are attached hereto and by reference made a part hereof.

CHATHAM/ORANGE JOINT PLANNING TASK FORCE

Chairman Lucier stated that a portion of the letter from Orange County had been omitted from the packet, but in essence the Orange County Board of Commissioners was asking Chatham County to approve the formation of the Chatham/Orange Joint Planning Task Force which had been a product of discussion over the last few years to look at planning issues and regional transportation issues. He stated the missing part of the letter included who the participating agencies would be.

Commissioner Kost stated also missing were the remaining issues that the Task Force would be addressing and she was reluctant to act now because of the aggressive timeline involved.

Chairman Lucier stated he believed the Board agreed with the concept of the Task Force but would need the remainder of the letter and attachment in order to move forward. There was general consensus from the Board. The County Manager stated staff would contact Orange County get the full letter and attachments so that this issue could be placed on the Board's agenda for its next meeting.

CLOSED SESSION

Commissioner Vanderbeck moved, seconded by Commissioner Thompson, to go out of the Work Session and convene in Closed Session for the purpose of discussing matters within the attorney/client privilege. The motion carried five (5) to zero (0).

REGULAR SESSION

Commissioner Vanderbeck moved, seconded by Commissioner Kost, to adjourn the Closed Session and reconvene in Regular Session. The motion carried five (5) to zero (0).

PLANNING

Polk's Landing:

Brantley Powell, developer for Polk Center, stated when this project was approved in 2006 the traffic pattern envisioned and agreed upon would route traffic in and out of the main entrance; that DOT was in agreement at that time but subsequently had changed its mind and now required some changes; that they had been working to eliminate or reduce as much as possible any traffic on Polk's Landing Road; and, that they had initially met with neighbors in October and again recently to address concerns and to meet the spirit of the two commissions involved in the approval.

Chairman Lucier stated it was his understanding that further conditions had been agreed upon that were not included in the map, such as increased buffering along Polk's Landing Road and the commercial area itself. Mr. Powell stated that was correct, noting he had not been aware until he had received an email this morning that the Homeowners Association wanted additional landscaping, and after talking today they were agreeable to working that out to their satisfaction. He stated what was being requested was a different type of plants that were more opaque to provide better screening.

Chairman Lucier asked if the plan included any buffering along 15-501 that could be shown on the map, separate from the Polk's Landing issue. Mr. Powell indicated that the landscaping that had been agreed upon was not shown on the map. Chairman Lucier stated those changes were not a part of the original approval so that did not help him.

Commissioner Kost asked if parking would be visible from 15-501 or would the screening be adequate to prevent that. She stated that the original plan had little parking facing 15-501 and now the administratively approved plan had a lot of parking bordering 15-501, so she wanted to know how that parking would be landscaped.

Chairman Lucier stated what the Commissioners had to decide was whether or not to require that the developer come back and resubmit, or whether the changes were finite enough to be administratively approved. Chairman Lucier stated in order to make that judgment the Board would want to see what was approved initially, what was then administratively approved, and what the current plan was including all landscaping. He stated there were now two maps and a third needed to be produced which included the original site plan approved in 2006, all changes that had been administratively approved, and any agreements made with the Polk's Landing Homeowners Association as well as the landscaping along 15-501. Chairman Lucier stated the site plan should show all roads going in and out and well.

Commissioner Kost stated she would be interested in hearing from the HOA as to whether there were any additional issues of concern. Staples Hughes, President of Polk's Landing Homeowners Association, stated part of the confusion was that Planning staff had indicated in order for the HOA to get any traction on the issues they wanted it should be done by an agreement between Mr. Powell and the HOA. He stated he had not learned until Friday of last week during a conversation with Planning staff that it was Mr. Rose's opinion that their concerns could conceivably be addressed administratively in a way that was binding, enforceable, and explicit. Mr. Hughes stated they simply wanted to be able to have the features outlined in his letter to the Board dated yesterday in a fashion so that if Mr. Powell were no longer involved and someone took his place that the new person or group would have to adhere to the agreement regarding their concerns. He stated he was confident they could come back to the Board with a document explicitly outlining their concerns and signed by the HOA.

Chairman Lucier stated that was the reason the Board needed to see the updated map so that all issues were clear. Mr. Hughes agreed, noting it should lay out explicitly what the HOA needed before it went forward. Chairman Lucier stated an extension had already been granted through October, and suggested that Mr. Hughes get that document to the Board in time for its April 20th meeting. Mr. Hughes agreed to do so.

Foushee Property:

Chairman Lucier stated there were two requests associated with this property, the first being that the 10-acre piece be entirely zoned Heavy Industry for purposes of the public hearing and allowing the Board the flexibility to move that back down to just 3 acres if the Board chose to do so. He stated the second was that the separate 7-acre piece be included but it was clear the Board did not want that included since the Board had not taken any actions that changed that property and any problems existed prior to the County's actions. The County Attorney stated that was correct.

Chairman Lucier stated the Board had not decided on the first issue which was why it had been brought back into open session, but had decided on the second. He stated one argument was that the property leased to Ferrell Gas was the entire 10-acre tract and therefore there was some sort of intended use as Heavy Industrial which was an argument that had merit. Chairman Lucier stated the only issue was that taxes had been paid on 1 acre as Heavy Industrial and 9 acres as RA-40, so one could also argue that the intent was only for that 1 acre, so in that respect the Board had proposed rezoning only 2 acres more than what they were now paying taxes on as Heavy Industrial.

Patrick Bradshaw, Attorney for Mr. Foushee, stated that Mr. Foushee having made that request was subject to whatever happened in regard to the taxes.

Commissioner Kost stated her preference was to go forward with the Board's original recommendation, which was the 3 acres as shown on the map. She stated it did concern her that the parcel was in the middle of a residential area and it was a gas company.

Commissioner Vanderbeck agreed given the information, and stated that would not preclude anytime in the future as conditions warranted that the owner could apply for rezoning. Commissioner Kost agreed, noting at that time it could be considered under the Conditional Use process and the Board could require conditions that would address some of the concerns.

Mr. Bradshaw pointed out that he did not know how the tax values were assigned in the past, and also pointed out that the Chairman was right in that the County's actions had not created new circumstances with regard to the rear 7 acres. He stated he would suggest that if they only rezoned a portion of the 10 acres as Heavy Industrial that the process of zoning and rezoning that portion would have an effect because to use the remainder of the property, the remaining 7 acres of the 10-acre tract, it would have to be subdivided and then Mr. Foushee would have access issues on that portion of the property as well. Mr. Bradshaw stated that in effect the rezoning process had had an effect on Mr. Foushee's ability to use the balance of the 10-acre parcel.

Commissioner Cross stated the rear separate 7-acre tract was designated as no build so that could provide a good buffer from any residential areas.

Commissioner Thompson stated Commissioner Kost had made a good argument. But by the same token, he stated, he was looking at the tax value to the County of rezoning the entire 10-acre tract as Heavy Industrial and Commissioner Cross had made a valid statement regarding the buffer around the area of concern to residents. He stated the property had been leased for industrial use, which he believed would validate the argument that they were allowing for the intended use of the entire tract and not just the 3 acres. Commissioner Thompson stated if they took it to public hearing at 10 acres the Board still have the discretion to go with less than 10 acres. He stated he was willing to give the landowner the benefit of the doubt and take the 10 acres to public hearing as Heavy Industrial.

Commissioner Kost moved, seconded by Commissioner Thompson, to take the full ten acre parcel (#5971) to a public hearing for Heavy Industrial. The motion carried five (5) to zero (0). After the public hearing, the Board will then decide whether to split-zone the property.

Chairman Lucier stated that this should be one of the public hearings singled out for separate discussion at the public hearing. There was not objection from the Board.

Thelma O'Daniel:

Lynn Richardson, Land Use Administrator II, stated she had talked with Ms. O'Daniel on many occasions regarding how she could possibly subdivide the property; that the property contained a roadbed that had been qualified as a pre-1975 roadbed and there had also been an easement put over the roadbed by Ms. O'Daniel's brother; that the O'Daniel property that went down to the river was 15.26 acres; that the brother had a couple of years ago subdivided three 5-acre tracts utilizing the easement; and, that now Ms. O'Daniel and her husband who had owned the property since 1996 would like to cut out a lot for their son to build a home.

Ms. Richardson stated the one issue was that there were already 3 lots on the easement, and staff had decided they could still allow Ms. O'Daniel to utilize the pre-1975 roadbed, in that the fact that the easement was there did not preclude someone from using that roadbed. She stated as staff they were authorized to approve only one lot every 12 months that fronted on one of those old roadbeds, and if more were requested it had to come before the Planning Board and then the Board of Commissioners. Ms. Richardson said that would mean that Ms. O'Daniel would have to go through the entire subdivision process.

Ms. Richardson stated it would be easy to divide out the lot requested because no variance would be necessary if each lot touched the old roadbed. She stated that Ms. O'Daniel had indicated that was not possible, but according to the map she believed that it would be possible. Ms. Richardson stated it had first been suggested to Ms. O'Daniel that if they kept an over 10-acre sized tract including all the river frontage and created a 5-acre lot for her son off the river, then they were only creating one new lot on the roadbed and the new lot would only need

1½ acre of useable area. She stated the way Ms. O'Daniel had laid it out it was two 7-acre lots and they would need to have at least 5 acres on the river with 3 acres outside the flood and riparian buffers.

Ms. Richardson stated that Ms. O'Daniel had said she did not want to go with that option, but wanted to do the two 7-acre tracts with both having frontage on the river. She stated the surveyor had done a calculation on the son's lot and that lot would have 3.005 acres of useable space and was just barely above the flood area. Ms. Richardson stated regulations did not require that steep slopes be deducted from the 3 acres of useable area, but it would if it were the 1½ acre of useable. She said Ms. O'Daniel wanted to go with the option that would require a variance from the regulations for the easement, noting there were already 3 and the two 7-acre parcels would make five, which would normally require that a County standard private road be built to serve the five lots. Ms. Richardson stated County regulations required that a private road have a 60-foot-wide right-of-way, and Ms. O'Daniel had 50 feet, and would require the roadway to be upgraded to County private road standards.

Ms. Richardson stated it was staff's opinion that Ms. O'Daniel would at some point be asking the Board for a variance regarding the width of the roadbed and from having to meet full County standards for the private road due to the expense involved.

Chairman Lucier stated he assumed Ms. O'Daniel had chosen that option because she wanted to give her son some river frontage. Ms. Richardson agreed. Chairman Lucier stated he was puzzled as to why she did not want to do the second option, which seemed to accomplish some river frontage for his son.

Commissioner Kost stated it may be because of where the cabin was located, noting it would make that parcel a very strange lot because the cabin broke up that parcel. Ms. Richardson stated the roadbed curved, and going with that second option allowed the lot to touch the roadbed and meet the requirement. She said she could go back to the surveyor and confirm that what they were seeing on the map was possible. Commissioner Kost stated that would be the easiest solution.

Chairman Lucier stated the variance was a possibility, but they would need to put some thought into that to make sure they were doing it for the right reasons. He stated that was in fact a family subdivision and that was the compelling reason. Ms. Richardson stated they had not owned the property until 1996 so they technically did not qualify as a family subdivision.

Commissioner Kost suggested talking with the surveyor about how the lot could touch the roadbed just before it entered the floodplain, noting that appeared to be the easiest solution. Ms. Richardson stated if it was physically possible to do that then she would agree.

Chairman Lucier stated after talking with the surveyor staff could talk again with Ms. O'Daniel to make sure she understood exactly what was being proposed, and then the Board could decide whether or not to move forward if a variance were requested. Ms. Richardson agreed to do so.

National Association of Counties (NACo) Conference and the North Carolina Association of County Commissioners:

Commissioner Cross stated that Assistant County Manager Rene Paschal had requested that they provide their conference schedules for the next fiscal year, and there were two that he planned to attend and wanted to get approval now so that he could make his reservations and receive the early reservation reduction of \$100 on the NACo Conference and \$25 on the NC Association of County Commissioners Conference.

By consensus, the Board agreed that Commissioner Cross should attend the 2009 NACo Annual Conference, July 24-29, 2009, in Nashville, TN and the North Carolina Association of County Commissioners' Annual Conference, August 27-30, 2009, in Hickory, NC.

Proposed Zoning Request Letter:

Jason Sullivan stated the Board had asked to see a copy of the proposed zoning request letter, and he provided that to the Board.

Chairman Lucier suggested the Board take a few minutes to read over the letter.

By consensus, the Board agreed upon the letter. A copy of the letter is attached hereto and by reference made a part hereof.

CLOSED SESSION

Commissioner Vanderbeck moved, seconded by Commissioner Kost, to go out of the Work Session and convene in Closed Session for the purpose of discussing personnel. The motion carried five (5) to zero (0).

REGULAR SESSION

Commissioner Kost moved, seconded by Commissioner Cross, to adjourn the Closed Session and reconvene in Regular Session. The motion carried five (5) to zero (0).

ADJOURNMENT

Commissioner Vanderbeck moved, seconded by Commissioner Thompson, to adjourn the Work Session. The motion carried five (5) to zero (0), and the meeting was adjourned at 4:40 PM.

George Lucier, Chairman

ATTEST:

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