

**MINUTES**  
**CHATHAM COUNTY BOARD OF COMMISSIONERS**  
**WORK SESSION**  
**MAY 18, 2009**

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The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met in the Multi-Purpose Room at Central Carolina Community College (CCCC), 764 West Street, located in Pittsboro, North Carolina, at 1:00 PM on May 18, 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 Chairman welcomed those in attendance and called the Work Session to order at 2:47 PM.

***Work Session***

**US #64 PHASE 2A CORRIDOR STUDY**

Chairman Lucier stated that Mr. Howell had been working with the Major Corridor Ordinance subcommittee to come up with a response that reflected the Board’s thoughts and the Corridor Task Force’s thoughts on the proposed superhighway through Chatham County. Ben Howell, Planner, stated that was correct, noting that the Board had received a copy of a letter and at their places today was a copy of an email and a map provided by the County Fire Marshal which provided more information regarding the fire protection issue noted on the last page of the letter under Number 8.

Chairman Lucier stated it was his understanding that the Board needed to provide DOT with a response, since they wanted comments by the end of May. Mr. Howell stated that was correct, noting they had been in contact with Mr. Wasserman who was the DOT representative in charge of the study, and he would like to receive official comments as soon as possible so that some or all of the concerns could be addressed.

Commissioner Kost asked if it would make a stronger statement to have a separate letter prepared from the Fire Marshal to accompany the Board’s comments.

Chairman Lucier stated he would suggest leaving it as it was, but also sending a separate letter from the Fire Marshal. He stated then the information would be referenced in both places.

Commissioner Kost asked were they certain on the 50 homes, or should that be stated differently. Mr. Howell stated he had taken the information directly out of the Fire Marshal’s email, and the 50 homes was what he said would be affected in The Preserve. He added it appeared from the map it could affect a few additional homes as well. Commissioner Kost suggested removing the words “approximately 50” so that it read “An access road would cause homes in a nearby subdivision...” with no number being mentioned since the number may be more and even less.

Chairman Lucier stated according to the map it would be at least 50. Commissioner Cross and Commissioner Vanderbeck both agreed they should leave the language as is.

Commissioner Cross moved, seconded by Commissioner Thompson, to approve the US #64 Corridor Study Phase IIA draft for submission to the North Carolina Department of Transportation. The motion carried five (5) to zero (0).

**AFFORDABLE HOUSING PRESENTATION**

Amy Powell introduced other members of the Affordable Housing Task Force that were present, and stated that since their last update in January, the Task Force had made presentations to Pittsboro, Siler City, and Goldston Boards; and, that at those presentations they had

highlighted their recommendation of intergovernmental cooperation throughout the County, and all of those boards had been open to the idea of meeting together regularly to discuss common interests. She asked that the Commissioners consider a formalized structure for that, noting that those same boards had already agreed to meet quarterly with the EDC.

Chairman Lucier agreed that it was essential to economic development, it was essential to affordable housing, and it was essential to long-range planning for infrastructure such as water and sewer, among other things. He stated he believed there were many justifications for having an Assembly of Governments working together to deal with County issues. Ms. Powell stated they had gotten positive responses from each of the boards they had made presentations to, and all had mentioned they had been called together by the EDC to meet quarterly.

Ms. Powell stated another of the recommendations made by the Task Force in January was the formation of a Chatham County Affordable Housing Advisory Board, and they had prepared a draft proposed membership, by-laws, conflict of interest policy, and a draft of the new board's purpose and priorities based on the Task Force's recommendations. She stated they saw the Advisory Board as a more permanent body that would build on the recommendations of the Task Force; and, that initially the Task Force was recommending that the Advisory Board focus on four areas: develop an enforcement mechanism that would require 10% minimum affordable housing as a part of any approval of new or if legally possible modified residential or mixed-used developments; to develop a strategic plan for affordable housing; to explore funding, accounting, and affordable housing trust funds; and, to research and recommend a structure to oversee, to operate, and to fund affordable housing projects in the County.

Ms. Powell stated the purpose of the Advisory Board as outlined in the by-laws was to investigate, analyze, and prioritize affordable housing needs in the County and to serve as the official advisory body on affordable housing to the Chatham County Board of Commissioners by: prioritizing needs; publicizing the County's housing objectives; assisting in the implementation of affordable housing strategies; monitoring the progress of local housing programs; exploring new funding opportunities; increasing community awareness, understanding, commitment to and involvement in initiatives to increase the amount of affordable housing; assisting in the investigation of residential segregation patterns in the County; advocating for changes in public policy that would improve opportunities for those who could not afford housing in Chatham County; exploring alternative housing development strategies and initiatives; and, any other practices that would encourage the development of sustainable, affordable, and alternative housing in the County.

Ms. Powell stated their recommendation was that the Advisory Board be comprised of 19 members: six ex officio members, five residents who resided within Chatham County, and eight at-large members with backgrounds and experience in: the banking/mortgage industry, home building industry, real estate professional, rental housing, legal, social services non-profits representing underserved populations, affordable housing non-profits, and underserved population and protected classes.

Chairman Lucier asked where the ex officio members would be drawn from. Ms. Powell stated it was her experience that the ex officio members would be elected officials or their staff. She said in order to move forward, the Task Force had also drafted a transition plan for the Commissioners to consider, calling for the Advisory Board to convene its first meeting by September of this year. Ms. Powell stated that the Task Force had also volunteered to recruit members for the Advisory Board, and there were two Task Force members who would not be serving on the Advisory Board that had volunteered to review the applications and provide a recommendation to the County Commissioners by late summer.

Ms. Powell stated the Task Force was requesting approval by the Board of Commissioners to conclude its work, to approve the formation and purpose of a new Affordable Housing Advisory Board, and to approve the transition plan and timing.

Commissioner Cross stated regarding at-large members, they had affordable housing non-profits listed as possible voting members. He stated they had had a question as to the appropriateness of that, and asked if the Task Force had any suggestions or recommendations as to whether the non-profits, such as Habitat or EmPOWERment, should be voting members or ex officio members. Ms. Powell stated they had discussed that when reviewing the recommendations, and the general sense was that because they would have a conflict of interest

in place that that would address any issues members of such groups might have while serving as voting members on the Advisory Board.

Commissioner Cross stated it was not clear to him how terms would be determined in regard to Section 2.ii. He stated that the wording was somewhat confusing. Jeffrey Starkweather, a member of the Task Force, explained that because of when the Advisory Board began its work they were already partly through the terms of the County Commissioners, noting they had somewhat copied the term arrangements of the EDC who appointed their members in the spring. He stated that initially terms would be staggered, and the general idea would be that members would serve four-year terms, and that every two years the Board would select new members, with seven selected after the election of new County Commissioners and then two years later six more would be selected. Mr. Starkweather stated that the terms of the members selected by the Commissioners would follow the Commissioners terms.

Chairman Lucier stated then it would be up to each of the County Commissioners to nominate members who would then be voted on by the entire Board of Commissioners. Mr. Starkweather stated that was correct, using the same process that the EDC used. Chairman Lucier stated the process used by the EDC was a good one, and he liked the idea of having a committee to put together a roster for consideration, which would be a way of signifying true interest in affordable housing issues and also to achieve appointment of persons with the needed skills as outlined by the Task Force. He stated he believed there needed to be some clarification on the ex officio members, in that some guidance needed to be included.

Commissioner Cross stated based on Section 2.ii he did not believe it was clear how members' terms would expire each year. Mr. Starkweather stated the wording was incorrect, in that it should read every two years rather than every year, and that would be corrected.

Chairman Lucier stated the six ex officio members, as he saw it, could be the County Manager, Commissioners, planners, or any number of people, and wondered should they include more specificity to the language to insure that all towns were represented. He stated they might want to include Cary as well, since there were Chatham County residents who lived in Cary. Ms. Powell stated they could certainly include those suggestions. Chairman Lucier stated he believed it was important to include that specificity.

Jep Rose, County Attorney, agreed, noting that the term "ex officio" could mean just about anything.

Chairman Lucier stated one way of doing that would be to say the ex officio members would be the County or Town Managers or their delegate, or it could be an elected official or their delegate.

Bob Eby asked would it be appropriate to say that two ex officio members would be selected by the County and then the others selected one each by the other municipalities.

Chairman Lucier stated that would satisfy him, as did Commissioner Kost and Commissioner Cross.

Commissioner Thompson stated it sounded like a good way to approach the issue.

Commissioner Vanderbeck agreed as well, noting that he believed this Advisory Board would work hand in hand with the Sustainable Communities person soon to come on board with the County.

By consensus, the Board agreed that the six ex officio members would be two appointed by the County Commissioners, with each municipality selecting one each.

Chairman Lucier stated he hoped that through the Sustainable Communities Department that there would be some staff support for the Advisory Board. Ms. Powell stated that was their hope as well.

Commissioner Vanderbeck stated that Lisa Gentri had been working as a sort of quasi-staff to the Task Force, and believed the Manager and Attorney knew the requirements of her

time and could adjust accordingly until they had an affordable housing person on board. Mr. Eby stated that Ms. Gentri was much more helpful than just "quasi."

Ms. Powell stated she was assuming that the concept of an Affordable Housing Advisory Board was acceptable to the Commissioners.

Chairman Lucier agreed, noting the purpose of the Task Force was to address an immediate need, and the Advisory Board was to address the ongoing need in the County and it should be a full-fledged advisory board, noting now was the time to do that. The Commissioners agreed by consensus. He said he assumed that the Task Force would now work to bring back a roster of potential members along with final recommendations for the Commissioners to consider, along with some clarification of the ex officio members. Chairman Lucier asked about the issue raised regarding involvement by EmPOWERment, Habitat, and the Housing Authority serving on the Advisory Board but as non-voting members. Mr. Eby stated that first of all that had been discussed at some length by the Task Force who had decided to recommend that representatives of those groups be included on the Advisory Board, and secondly the advisory boards were somewhat different in nature than such organizations as the EDC, for instance. He stated the advisory boards did nothing other than make recommendations to the Board of Commissioners and took no action, and it was believed to not have representatives of the various affordable housing groups as official members of the Advisory Board would in fact weaken its ability to give the Commissioners the very best advice and recommendations possible.

Chairman Lucier stated he understood that, noting that he and Commissioner Thompson had both been demoted on the EDC to non-voting members, but they were still members and they still participated in the discussions. Mr. Eby stated the EDC could take action on its own, unlike an advisory board to the Commissioners. He stated since the Advisory Board would have no power other than to make recommendations, it was felt that representatives of the affordable housing groups should be voting members and provide their knowledge and expertise to the Advisory Board and the Commissioners.

Chairman Lucier stated that once they received the roster and the final draft of the by-laws, then the Commissioners could reach a final decision on the membership issue. He stated that clearly those three organizations mentioned should be included on the Advisory Board, but the question remained as to whether or not those members should be voting members.

Commissioner Cross and Commissioner Vanderbeck both agreed that was the correct course to take.

Commissioner Kost stated she shared the concern regarding the affordable housing non-profits being voting members, adding she agreed that their input would be very valuable but she was not convinced they should be voting members.

Chairman Lucier stated he believed they could resolve the issue when the Task Force came back with the final draft of the by-laws and the proposed roster. He stated the key thing now was to recruit members and try to maintain the timeline as outlined. Mr. Eby suggested that the County could put a notice on its Web site stating their desire to recruit members for the Advisory Board.

Commissioner Vanderbeck stated he believed the applications would have to be somewhat customized, so that specific questions could be asked outside of the normal boiler plate application that the County currently used. Mr. Eby agreed.

Chairman Lucier stated when they posted the announcement on the Web site it would be appropriate to synopsise the purpose of the Advisory Board as outlined in the by-laws, as well as any other recruitment aids necessary to attract individuals with the necessary expertise.

Commissioner Cross stated in Article IV under Officers, Section 1, there were two statements. He stated the first one said that the Advisory Board would consist of a Chair, Vice-Chair, Secretary and other officers as the Advisory Board may elect. Commissioner Cross stated that in Section 2, it stated that the Chair would serve at the pleasure of the Board of Commissioners. He stated if the Advisory Board was going to elect its own Chair, then that language did not need to be included. Commissioner Cross suggested the sentence read "The

Chair of the Board shall preside at all meetings of the AHAB.” and that the phrase “at the pleasure of the Board of Commissioners,” be omitted.

Commissioner Thompson agreed that language should be removed.

Jep Rose, County Attorney, stated he was inclined to form the Advisory Board and then let them proceed with their work.

Chairman Lucier agreed, noting he believed the recruitment process as described would bring in the right kind of members and the Commissioners did not need to participate in choosing the Chair.

Chairman Lucier stated the Commissioners would expect to hear from the Task Force once they had their roster and final draft of the by-laws ready for final consideration. He stated that Mr. Starkweather had indicated he had several comments to make, and invited him to do so.

Mr. Starkweather stated that the process had been very positive and all participants had worked together closely and compromised when necessary, and praised Amy Powell’s leadership. He stated one issue he wanted to raise was with the Conflict of Interest policy, noting in his experience such policies were great at stating a set of principles but were not very practical. Mr. Starkweather stated when working closely together on a board, people were not likely to raise conflicts of interest issues about their fellow board members because they were all working for the purpose of the County’s benefit. He stated the whole point was to avoid any legal appearance of conflict that the person voting had any financial interest in any way regarding the issues being voted upon. Mr. Starkweather stated it was both for the protection of the County and the protection of the members of the advisory board so that they did not have to get into who may or may not have a conflict of interest. He stated that having particular members associated with other organizations as non-voting members would eliminate even the possibility of it. Mr. Starkweather stated because those members had expertise, he could guarantee that when they spoke everyone would listen. He stated he did not believe having those organizations represented as non-voting members would in any way detract from what non-profits could contribute to the Advisory Board and that they should be a part of it. Mr. Starkweather reiterated that they should not be ex officio members, but should be non-voting members.

Mr. Eby stated that he would hope that the Commissioners would look at all of its advisory boards with the same “fine tooth comb” and institute the same rules for all of them. He stated for instance, the Environmental Review Board was involved with a non-profit, and some would say that representative should not be on that Board. Mr. Eby stated it would be better if the County had a uniform policy for all of its advisory boards and that each one was looked at in the same manner.

Commissioner Cross stated that EmPOWERment and Habitat were formed by a previous Board of Commissioners, and doing that would put them in the situation where voting members of the board could be telling them to do something one way when their non-profit by-laws would not allow them to do that. He stated he believed that to be more of a danger than any conflict of interest.

Chairman Lucier stated then Commissioner Cross was stating those representatives should be voting members. Commissioner Cross responded yes. Chairman Lucier stated they would revisit it at the appropriate time, and clearly the Commissioners were not of one mind at this point. He thanked all of the members of the Task Force for their hard work.

### **JOHNSON CONTROLS UPDATE**

The County Manager stated that Steve Zip with Johnson Controls would give the Commissioners an update on the Performance Contract and the timelines.

Steve Zip, NC Account Executive for Johnson Controls, Inc., provided the following update via a PowerPoint presentation:

Review of Energy and Radio-Read Meter Performance Contract Value

- No tax increase required

- Guaranteed energy savings and billable increase pay for the project with annual reconciliation after measurement
- Complete turn-key and one point of accountability
- No change-orders, allowing for budget certainty
- Reduces future facility cost/budget surprises due to repairs
- Very positive environmental impact with reduction Chatham County's carbon footprint
- Allows Chatham County government to set the leadership example for sustainability in your community

Craig Fisher, Lead Energy Engineer, continued the update as follows:

#### Detailed Audit Status to date

- Signed Project Development Agreement (March 09)
- Water billing database download completed (April 09)
- Lighting, water, controls, HVAC and building envelope surveys (completed April-May 09)
- Small meter sample push/pull started (May 18-21)
- Data-logging of larger meters for right-sizing/typing (May 18-31)

Mr. Zip continued the update as follows:

#### Detailed Audit Next Steps, May-June

- schedule workshop for measurement/verification of savings and project scope (energy conservation measures) review (late-May)
- Large, in-ground meter testing (late-May)
- evaluate water distribution pumps savings (late-May)
- small meter testing at metrology lab for accuracy assessment (early June)
- release finance bid request (recommend non-appropriated lease-purchase) (early June)
- Johnson Controls develop energy/utility savings baseline and prepare performance contract (mid-June)

#### Financing Considerations

- Tax-exempt financing (currently in 4.0% to 4.5% range)
- Energy rebates generated from savings
- Possible investment from electric co-op in exchange for mandated energy efficiency credits (Senate Bill 3)
- NC Energy Improvement Loan program (1% for renewable, 3% energy efficiency)
- Qualified Energy Conservation Bond (may provide refunding opportunity at 0% interest)

#### **Financing:**

Commissioner Vanderbeck stated that much of the energy conservation measures depended on funding through possible stimulus money, and the Board was trying to juggle that because the more funding they could find the deeper they could go. So, he stated, there were certain things identified that they could do before the contract began that could come off. Mr. Zip stated they were monitoring the energy efficiency block grant program closely, and unfortunately Chatham County did not qualify for allocations specifically because there was a requirement for a population of over 100,000. However, he stated, they were taking nationally competitive projects, so they recommended making application based on their results and including that in the funding. Mr. Zip stated they could then refund the financed portion of the project after the fact and then refinance that portion of the contract to save interest or to expand the project with those conservations they were not able to do. He stated they would supply the County with a ready-made application to send off for energy efficiency block grant funding that could come back to help reduce the overall finance costs.

Commissioner Vanderbeck asked where the rebates from the utility would figure into that. He stated that Progress Energy was recently authorized to review and provide rebates for energy saving devices, and would they need to get that done before they entered into the next stage. Mr. Zip stated they would like to incorporate those into the project up front as part of the financing, along with any investment from any utilities that would like to take advantage of the carbon credits for the project. He stated they were approaching the local co-op and Progress Energy to see if in addition to the energy rebate program they would like to make an investment as had been done in other parts of the State.

Mr. Fisher explained how the rebate program would work, noting that they should qualify for a number of the lighting rebates as well as the HVAC upgrades to 100% electric and any variable speed drives installed. He stated that his preliminary calculations indicated that the lighting rebates could amount to between \$20,000 and \$25,000, but they could not yet estimate potential rebates on the HVAC upgrades although they were expected to be significantly less.

David Hughes, Public Works Director, verified Mr. Fisher's comments, noting he had been in contact with the local representative and agreed that the bottom line was that the rebates would not be significant.

**Timeline:**

Mr. Zip provided the following Local Government Commission (LGC) GESC Application Timeline going forward:

Action Item	Projected Completion Date
Finalize detailed audit	June 20
Finalize audit results with contract development and financing	June 24
Advertise notice to award in local newspaper	At least 15 days before Commissioners' meeting
Present audit results and contract documents to County staff	June 24/25
Independent Engineer review and County Attorney opinion letter	June 29
Present to County Commissioners for contract and financing approval/application to LGC	NLT July 8 in order to be eligible for August 4 LGC meeting
LGC application review and approval (meets once a month) (application due 25 days before scheduled meeting)	August 4
Installation Kickoff Meeting	August 18
Installation Completion Commissioning	May/June 2010

Mr. Zip stated that the LGC had a very detailed application timeline, noting they were the executive agent that reviewed energy savings contracts. He stated they were governed by the LGC's meetings dates, which was the first Tuesday of each month, and August 4 was the first meeting they could target based on their timeline. Mr. Zip stated that the application would have to be provided to the LGC 25 days prior to that August 4 meeting, which meant that July 8 was the latest the Commissioners could approve the final performance contract and send the documents to the LGC for approval.

Commissioner Vanderbeck asked when the Commissioners would be getting the material for review. Mr. Zip responded no later than June 24, but they would try to get it to them even earlier than that. He stated they would work closely with staff to make sure all the details were agreed upon before it was brought back to the Commissioners.

Commissioner Vanderbeck asked Mr. Rose what comfort level he had with the schedule. Mr. Rose stated he had the contract but had not had the time to study it.

Chairman Lucier stated they had only one meeting in July, on July 20. Commissioner Kost stated that the due date was also the week of July 4<sup>th</sup>.

The County Manager stated the Board could schedule a special meeting after they completed the budget. He stated he would prefer that the staff be given the necessary time and that July 20<sup>th</sup> was an appropriate date for that, which would give Mr. Rose the necessary time to review all details of the contract.

Commissioner Vanderbeck stated then realistically they were talking about going to the LGC in September. He stated he would still like to get the information from Johnson Controls as soon as possible so that they would have the extra time to review. Commissioner Vanderbeck stated he understood moving the LGC date out to September may affect the finance package. Mr. Zip stated that the LGC allowed them to put together a bid package that would then be reviewed by LGC staff, and when the bids came back they came back sealed to both parties who would then sit down together to open them. He stated that banks such as BB&T and other

regional banks had had very aggressive rates, and there were also national institutions such as the Bank of America and City Bank and others that specialized in guaranteed energy savings contracts. Mr. Zip stated they would make sure they had a lot of competitive bids.

Commissioner Kost asked who the Bond Counsel would be. Mr. Zip responded the LGC did not require a Bond Counsel per se because it was not a General Obligation.

Vicki McConnell, Finance Officer, stated it was such a small financing that they could likely use their current bonding attorney.

Commissioner Kost stated she would hope that they would not slip on any of the other deadlines. Mr. Zip stated they would make sure they met their end of the bargain, and the only consideration he would ask the Commissioners to contemplate was that because of the "craziness" of the financing markets that if they got everything to them even a little early and they felt ready to move forward sooner, that they save a month's worth of risk and move forward.

Chairman Lucier stated they had a meeting scheduled on June 15 and they could at that time take a look at where they were, and if warranted they could have a short special meeting shortly thereafter.

Commissioner Kost agreed, but reiterated they needed time to look over the performance contract.

Chairman Lucier stated they likely would not be able to have a special meeting until June 29 in any case. Mr. Zip agreed that sounded like a good plan.

### **GRAND TREES OF CHATHAM**

Stacy Gray stated that at the last presentation there had been questions about the ordinance and about support by municipalities of Chatham County. She stated that she had most of the letters of support, including one from Cary, and the one from the Town of Pittsboro was en route.

Chairman Lucier stated there were a couple of questions remaining, one of which was the membership. He stated membership had been proposed at 17, but it was now reduced to 10 members that would include at least one resident from each of the incorporated towns within the County which would be 5 members. Chairman Lucier asked who would appoint those 5 members. Ms. Gray stated the elected boards of the towns.

Chairman Lucier stated the Grand Trees would have a financial officer, but did not expect that person to have much interaction with the County since they would likely not receive funding from the County. Ms. Gray stated they had applied for a grant from NC Forestry.

Commissioner Cross asked was funding available through TJCOG. Ms. Gray replied she was not aware of any, but she would certainly ask.

Commissioner Thompson stated regarding funding, the memo said that the Board shall comply with all County budget procedures, and that any funds received shall be delivered to the County Finance Director and disbursed through the County. He asked did that mean that all funding received would have to go through the County's Director of Finance, and she would in turn disburse those funds. Al Cooke stated that was their intention, which was basically to provide accountability by going through the offices of the County Finance Officer.

Chairman Lucier asked Ms. McConnell was she comfortable with that. Ms. McConnell responded yes, but noted that Grand Trees would not be able to spend money on anything that the County would not spend money on, so it would restrict them somewhat.

Ms. Gray stated that the grant would have to be given to the County in any case, and they understood the restrictions.

Jim Hinkley asked if there was a provision in the process or in the ordinance for a formal working relationship with the Planning Board, noting he was asking because the Planning Board



had that same kind of relationship with the Appearance Commission, the ERB, Environmental Health, and the historical preservation group. He stated it appeared to him that in their subdivision process that they could save the really beautiful trees that sometimes were harvested. Mr. Hinkley stated he would hope that they would have a review process by Grand Trees to make recommendations to the Planning Board about proposed developments and the trees that should be marked for preservation.

Chairman Lucier stated he believed that was a good idea, and one way of doing that was to incorporate that into the by-laws of not just the County Planning Board but by the town planning boards as well. He stated that could perhaps be limited to cases where the planning boards would want to refer review to Grand Trees so that they were not burdened with every subdivision application that came in. Chairman Lucier stated that perhaps language should be included that captured that point, that the Planning Board may request particular reviews and that similar relationships should be sought with town planning boards. Mr. Hinkley agreed that would be a good way to proceed.

Commissioner Kost stated that this program was voluntary, but she saw that as an advantage for a developer in that in the early pre-submittal process that if trees were identified that deserved recognition, then it was a win-win situation because the project would be looked on more favorably through preservation of the identified trees. She said the language should be written that added that process to the pre-submittal phase of subdivision projects.

Chairman Lucier agreed. He stated that one option would be that the Board could approve the ordinance today with that provision written in under "Power and Duties of the Board" as Section 4.1.2, which would say that the County and town planning boards when reviewing subdivision applications could refer review to Grand Trees, or something to that affect.

Commissioner Kost stated it could be any kind of development, not just subdivisions. Chairman Lucier agreed, noting that Commissioner Kost had made a good suggestion that review should take place during the pre-submittal phase, and the information to developers would contain that language so that they knew that identifying and protecting significant trees would be a part of the process. He stated that would need to be included in the subdivision application process.

The Finance Officer stated she was not sure the Finance Department could be involved in that, noting they could not be trustee for a citizens group. She stated she would need to look into that.

Commissioner Kost stated she believed they had a similar type process with the Cooperative Extension Division or 4H. Ms. McConnell stated they were part of State-associated funding, so it was very different.

Commissioner Cross stated if Grand Trees received funding or donations that had to come to the County, then it would be County money and the Grand Trees could use that money to support its work. Ms. McConnell agreed, but said she would need to look into all legalities.

Chairman Lucier stated he believed it would just need to be tracked. The Finance Officer stated she would still want to make sure of what could legally be done. She agreed that once the money came to the County it would be County money and the Commissioners would have the authority to appropriate it.

Chairman Lucier stated he believed they could adopt the ordinance today contingent on adding language regarding the Planning Board and contingent on working out the budgetary holding process.

Commissioner Kost moved, seconded by Commissioner Vanderbeck, to adopt the **Ordinance to Establish in Chatham County A Tree Recognition Board Known as Grand Trees of Chatham**, with the two provisions as stated, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

### **BOARD OF EQUALIZATION AND REVIEW**

The County Manager stated that they were asking to amend the resolution adopted establishing the Chatham County Board of Equalization and Review, to increase the number of alternates from two to five in order to avoid past problems with achieving a quorum of members due to health issues and other reasons. He stated they were also asking that an appointment be made to that Board at this time to fill a vacancy.

Chairman Lucier stated then they would need to amend the resolution to increase the alternates from two to five, and then appoint Judith Peterson as an alternate.

Commissioner Kost moved, seconded by Commissioner Thompson, to adopt **Resolution #2009-44 Amending the Establishment of the Chatham County Board of Equalization and Review** (which increases the number of alternates from two to five and are full-Board appointments), attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Commissioner Kost moved, seconded by Commissioner Cross, to appoint Judith Peterson as an alternate to the Board of Equalization and Review. The motion carried five (5) to zero (0).

### **CLOSED SESSION**

Commissioner Cross 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).

### **WORK SESSION**

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

### **RECESS**

Commissioner Kost moved, seconded by Commissioner Vanderbeck, to recess to the meeting to the County Manager's Conference Room for dinner. The motion carried five (5) to zero (0), and the meeting was recessed at 4:45 PM.

The Board discussed items of interest.

### **ADJOURNMENT**

Commissioner Kost moved, seconded by Commissioner Vanderbeck to adjourn the meeting. The motion carried five (5) to zero (0), and the meeting was adjourned at 5:45 PM.

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George Lucier, Chairman

ATTEST:

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