

PERSON COUNTY BOARD OF COMMISSIONERS

MAY 23, 2012

MEMBERS PRESENT

OTHERS PRESENT

Jimmy B. Clayton
Kyle W. Puryear
B. Ray Jeffers
Samuel R. Kennington
Frances P. Blalock

Heidi York, County Manager
C. Ronald Aycock, County Attorney
Brenda B. Reaves, Clerk to the Board

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The Board of Commissioners for the County of Person, North Carolina, met in special session on Wednesday, May 23, 2012 at 4:00 p.m. in the FEMA Room of the Human Services Building at 355 S. Madison Blvd., Roxboro. Vice Chairman Puryear was absent until 4:53 pm however was listening to the meeting via cell phone.

Chairman Clayton introduced Mr. Jim Wrenn, attorney retained to represent Person County’s interest related to the Falls Lake Stormwater Rules.

Mr. Wrenn stated Person County would be considering incorporating the New Development regulations adopted by the Environmental Management Commission (EMC) into Person County’s zoning code. Mr. Wrenn stated EMC is requiring counties and municipalities, based on the federal mandate under the Clean Water Act, that lie within Falls Lake River Basin to take actions to enforce the regulations. Mr. Wrenn stated failure to adopt the regulations could result in civil fines of up to \$25,000 per day, criminal penalties for willfully failing to adopt an ordinance and allows the State of NC to seek injunctive relief for non compliance of a legal mandate under Chapter 143-215.6(a) (b) (c). The purpose for adopting the rules is to bring the Falls Lake reservoir back into compliance with federal and state water quality standards. The standards determined for New Development include mass nutrient loading to be 2.2 pounds of nitrogen and 0.33 pounds of phosphorous per acre going into the Falls Lake Watershed with the goal to return to the 2006 baseline levels which would be a 20% reduction in nitrogen and 40% reduction in phosphorous by 2021. Mr. Wrenn noted the amendments considered by the Board for New Development do not regulate agricultural activities nor tree farming activities. Agriculture rules will be implemented separately in conjunction with the Falls Lake Watershed Oversight Committee through the NC Department of Agriculture. Mr. Wrenn noted there will be stricter standards for New Development in the Falls Lake Watershed than in the Roanoke or Tar-Pam Watersheds.

Mr. Wrenn stated the regulations for New Development considered will only apply in the unincorporated area of Person County within the Falls Lake Watershed noting the City of Roxboro will adopt their own rules for the portion of Roxboro that lies within the Falls Watershed. Chairman Clayton stated it is his understanding the City of Roxboro has rules in place and already charging a fee on the water bills for implementation of the rules of approximately \$1.50 per month or about \$18.00 per year. Mr. Wrenn added the consideration before the Board is not about any fees other than the normal planning and zoning fees.

Mr. Wrenn noted any impervious surface of land under ½ acre for a single family residence or for commercial use of 12,000 sq. ft or less would be exempt from the additional regulation. Planning Director, Paula Murphy added some type of stormwater controls, such as a retention pond, would be required for a new developed subdivision cumulatively because of the roads. Ms. Murphy told the group that during the initial subdivision approval process, responsible parties would be outlined in a newly created Home Owners Association (HOA). County Attorney, Ron Aycok stated typical HOA provisions provide that the developer is responsible for the maintenance up and until a certain percentage of the lots are sold and at that point the HOA members would be responsible. Ms. Murphy stated that commercial, industrial and multi-family projects would have to implement a Best Management Practice (BMP) if over 12,000 sq. ft. is disturbed such as the wet retention pond, an underground system, grass swells, level spreaders; all examples would be designed by an engineer to meet the run off.

Mr. Wrenn stated the following counties and municipalities are mandated to implement the New Development regulations:

Wake County	Durham County	Orange County
City of Raleigh	City of Durham	Hillsborough
Town of Wake Forest	Person County	Creedmoor
Franklin County	Roxboro	Butner
Stem	Granville County	

Mr. Wrenn stated Person County submitted to the EMC the draft ordinance revisions in August, 2011 and was approved by the EMC in January, 2012.

Mr. Wrenn noted the legal responsibility to adopt the New Development rules with all jurisdictions working cooperatively to reevaluate whether the Falls Lake reductions are scientifically required by engaging an engineering firm to perform a study to re-examine the Falls Lake modeling.

BRIEFING OF STORMWATER UTILITY:

Raftelis Financial Consultant, Keith Readling, PE, Director of Stormwater Management Consulting, spoke to the Board about the financial implications of the state and federal mandate using the briefing document as a guide (see below). Mr. Readling stated that the jurisdictions have evaluated the creation of a stormwater utility and implementation of a fee to meet the mandated regulations. An enterprise fund would be created to receive revenue and pay out expenditures. By law, the revenues can only be used for stormwater provisions, activities or for the procurement of stormwater related services with partners. Mr. Readling stated the cost range for Person County annually for the next 5 years is \$200,000 to \$250,000 as presented. Mr. Readling estimated Person County's cost to be 30% higher should Person County decide not to partner with the other jurisdictions to share resources.

Person County Stormwater Utility Fee

Background

In both Granville and Person Counties, stormwater costs are going up because of state and federally mandated water quality standards. The jurisdictions of Granville County, Butner, Creedmoor, Stem and Person County have come together to find a way to pay for these rising costs in the most efficient and fair way possible. With approval from each jurisdiction, the creation of a stormwater utility and implementation of a stormwater fee will accomplish this goal.

Expected Costs

For the moment, in areas of these jurisdictions that drain to the Falls Watershed, costs are going up much more rapidly than in areas in other watersheds. In 2008, Falls Lake was added to the state's biannual list of impaired waterbodies. The creation of this list, identifying waterbodies not clean enough to meet their intended uses, is a federally-mandated Clean Water Act requirement. For example, Falls Lake is a drinking water supply, but is not meeting the water quality standards for its designated uses because of contributions of nitrogen and phosphorus from the areas that drain to it. Instead of waiting on the federal government to impose one-size-fits-all clean up requirements upon the areas that drain to the lake, Falls Watershed jurisdictions, stakeholders, and state regulators worked together to formulate their own strategy. The jurisdictions have been working with one another and the state for the last five years to negotiate the most favorable rules possible. The rules are very stringent, but they are a better alternative than the federally-imposed plan, called a Total Maximum Daily Load, or TMDL.

The other watersheds in Granville and Person Counties also will likely be faced with increasingly stringent water quality regulations in the future, raising the cost of stormwater management in these areas as well.

Across the five jurisdiction service areas, only some regions are currently subject to the Falls Rules. This makes their stormwater costs higher. Similarly, stormwater costs in municipalities are higher because they include operation and maintenance of the drainage system. In unincorporated areas, on the other hand, the drainage system is owned and maintained by NCDOT and so counties are responsible for little to no drainage infrastructure maintenance. Because of varying costs across the service area, rates vary as well. A list of some of the top stormwater activities, some current and some future, that will be provided with the fee are listed below:

- Falls-required on-site wastewater system inventory
- Falls Stage I retrofit projects
- Water quality related services of environmental health services
- Soil and Water Conservation District surface water quality activities
- Upper Neuse River Basin Association membership

Meeting the Need for Increased Funding

There are two ways to pay for rising stormwater costs: a tax increase or a fee. Without action, a tax will be the only feasible method. However, fees are fairer and have a smaller

impact on the typical home owner than a tax increase. Therefore, these five jurisdictions hope to implement a stormwater user fee beginning in 2012, pending passage of the stormwater utility ordinance. Fees will be charged to every parcel, except for those in Oxford, Stovall, and Roxboro, each of which has their own stormwater fee. The value of creating and maintaining a joint stormwater utility lies in the opportunity for cost savings across the board. Most notably, management and administration of the utility can be streamlined rather than each jurisdiction creating their own structure, billing system, and customer service protocol. Additionally, there are great opportunities for the jurisdictions to share resources with one another—be they equipment, technology, or staff time—when doing so is mutually beneficial.

Fee Details

The fees will be conveyed on the County tax bills, which will be mailed the first week of July. The stormwater fee is made up of three components:

<p>Fixed charge per account Each account, regardless of the land area, requires a certain amount of administration and oversight. Establishing a fixed component of the charge ensures that no one is charged more per unit area to cover these uniform costs.</p>	<p>\$2.00 per parcel</p>
<p>Gross area block charge Though it leads to a lower volume of discharge, even pervious land contributes to stormwater runoff and nutrient loading. This is reflected in the gross area charge, without being overly burdensome to large landowners (see below).</p>	<p>\$6.00 per Block Inside Falls Watershed</p> <p>\$2.00 per Block Outside Falls Watershed</p>
<p>Impervious area unit charge Runoff from impervious area is the most intense, creating high flows and also carrying high concentrations of nutrients downstream, so many costs of stormwater management are tied to impervious area.</p>	<p>\$8.00 per Block Inside Falls Watershed</p> <p>\$2.00 per Block Outside Falls Watershed</p>

- The fixed charge per account within a jurisdiction is the same for every ratepayer. For example, all properties in unincorporated Person County pay the same fixed charge per account.
- All properties fall into one of four blocks for their gross area charge according to this schedule:

		Inside Falls Watershed	Outside Falls Watershed
0-2 acres	Block 1	\$6.00	\$2.00
2-10 acres	Block 2	\$12.00	\$4.00
10-100 acres	Block 3	\$18.00	\$6.00
Over 100 acres	Block 4	\$14.00	\$8.00

- Throughout both counties, single family residential properties are charged a flat rate for the impervious area charge.
- Other than single family residential properties, each property will be charged for the number of units of impervious area that are on the property. The impervious area unit is an Equivalent Residential Unit or ERU. The ERU is the amount of hard surface on a typical single family residential lot. Because of the variability in housing stock across the five jurisdictions, there is a different impervious area unit for each jurisdiction. The units are as follows:

		Inside Falls Watershed	Outside Falls Watershed
Town of Butner	Per 3,100 square feet		
City of Creedmoor	Per 2,600 square feet		
Granville County	Per 4,300 square feet		
Person County	Per 4,300 square feet	\$8.00	\$2.00
Town of Stem	Per 2,700 square feet		

- Properties other than single family residential properties can reduce their impervious area portion of the fee through applying for a credit. The credit program will recognize ongoing activities that reduce properties' demand for service.

Next Steps

In a few weeks, you will be presented with the stormwater utility ordinance necessary to codify the utility and set the stormwater rates. You will also be presented with an interlocal agreement among the five jurisdictions that allows the jurisdictions to provide services cooperatively or by buying and selling services among themselves. The key to realizing the full advantages of this cooperative effort is the participation of all five jurisdictions. The framework that is proposed provides for maximum flexibility and independence on the part of each jurisdiction in devising and carrying out its own program, while providing a means for the jurisdictions to work together and to intelligently navigate the new and evolving regulatory landscape.

RECESS

A **motion** was made by Commissioner Blalock, **seconded** by Commissioner Jeffers, and **carried 5-0** to recess the meeting at 5:37 pm until 6:00 pm for the Joint Public Hearing with the Planning Board.

Chairman Clayton called the recessed meeting to order at 6:00 pm and announced that the Board of Commissioners will jointly hold a Public Hearing with the Planning Board concerning amendments to the zoning map and the land development ordinance

It was the consensus of both boards that Chairman Clayton would act as the presiding officer for both boards.

Chairman Clayton announced that it would be desirable to adopt rules governing the joint public hearing and he proposed the following rules be adopted:

Rules for Joint Public Hearing

1. Staff will explain the proposed changes
2. Immediately prior to the beginning of the public hearing, the clerk to the Board of County Commissioners will have available sign up sheets, one for each side (Proponents and Opponents)
3. Each person shall sign up on the appropriate sign up sheet (Proponent or Opponent) indicating support for or against the proposition.
4. If a speaker is unsure if he is for or against the proposition he may sign either sheet
5. Each person speaking shall be allowed a total of 3 minutes each
6. The time will be kept electronically by the IT staff, be visually displayed on a screen as well as by audio tone of a buzzer.

ADOPT RULES FOR JOINT PUBLIC HEARING:

Chairman Clayton asked both boards to adopt the rules as presented.

A **motion** was made by Commissioner Jeffers, **seconded** by Commissioner Blalock, and **carried 5-0** to adopt the Rules for the Joint Public Hearing as presented.

A **motion** was made by Planning member C.L. Oakley, **seconded** by Planning member Derrick Smith, and **carried 7-0** to adopt the Rules for the Joint Public Hearing as presented.

PUBLIC HEARING FOR ZONING AMENDMENT, SECTION 31, FALLS LAKE STORMWATER ORDINANCE FOR NEW DEVELOPMENT AND APPROVAL OF LOCAL STORMWATER ZONING MAP:

A **motion** was made by Commissioner Jeffers, **seconded** by Commissioner Blalock, and **carried 5-0** to open the duly advertised Public Hearing for Zoning Amendment, Section 31, Falls Lake Stormwater Ordinance for New Development and Approval of the local Stormwater Zoning Map.

A **motion** was made by Planning member Derrick Smith, **seconded** by Planning member C.L. Oakley, and **carried 7-0** to open the duly advertised Public Hearing for Zoning Amendment, Section 31, Falls Lake Stormwater Ordinance for New Development and Approval of the local Stormwater Zoning Map.

EXPLANATION OF PROPOSED ZONING AMENDMENT:

Mr. Wrenn told the group the purpose of the amendments is to establish a zoning overlay district in the Falls Lake Watershed to comply with state-mandated water quality rules noting the amendments do not make any modifications that change what property in the new overlay district can be used for. Property will not be changed from residential use to commercial use or vice versa. The amendments discussed require that when certain development activities take place, that nutrient controls be put into place that are stricter than nutrient controls that currently exist in the Falls Watersheds or in other watersheds in Person County. Mr. Wrenn stated other jurisdictions in the Falls Lake Watershed are also adopting similar ordinance amendments for their land area that lies within the Falls Watershed. Mr. Wrenn stated the amendments do not regulate agricultural activities, crop production, livestock production or tree farming with a informational resource at <http://www.ncagr.gov/sw/neusetarpamstrategies.html> and the phone number is 919-717-3000 (Falls Lake Watershed Oversight Committee through the NC Department of Agriculture).

Mr. Wrenn stated the Falls Lake does not meet water quality standards and is on the 303(d) list of impaired waters. Mr. Wrenn stated the Environmental Management Commission adopted rules pursuant to a mandate from the General Assembly to make the standards contained in these amendments State law. Mr. Wrenn noted if Person County fails to adopt these legally mandated rules, the State of NC can access penalties and fines against Person County and take other enforcement action. Mr. Wrenn noted Person County has no choice in implementing the rules, the State's choice on how to address water quality in Falls Lake is largely dictated by Federal Law. Federal law establishes requirements that state environmental agencies must insure that federal water quality standards are met. The actual implementation and enforcement of these standards is delegated to the states in most instances. The NC Department of Environment and Natural Resources, Division of Water Quality implements and enforces NC's water quality program to insure that it meets state and federal standards. If the State refused to adopt and implement appropriate regulations governing water quality in Falls Lake, then the Federal government could impose what is known as a Total Maximum Daily Load (TMDL). Mr. Wrenn noted this would be a rigid program that leaves little discretion to state or local control. Private parties including environmental groups and down stream local governments could also sue in federal court to require that a TMDL be imposed. Mr. Wrenn noted the current rules are more flexible than what would be imposed by the federal government and as a result, the local governments in the watershed adopted Consensus Principals that established a framework for interlocal cooperation. Pursuant to the compromise, the nutrient management strategy for Falls Lake is divided into two stages: State I is designed to bring the lower lake (below Highway 50) into compliance by 2021 and Stage II, which comes into effect following a review of the technological

and economic feasibility of achieving water quality standards in the lake above Highway 50, is designed to bring the upper lake into compliance by 2041. Mr. Wrenn stated the majority of the jurisdictions of the watersheds have banded together to share the costs of a study to review the State's model and to determine whether Stage II is technologically and economically feasible or if the measures implemented in Stage II are sufficient to bring the lake into compliance.

Mr. Wrenn reiterated that Stage I is mandated by State Law and the ordinance amendments before the boards are not optional.

The following individuals spoke as opponents to the Zoning Amendment, Section 31, Falls Lake Stormwater Ordinance for New Development and Approval of the local Stormwater Zoning Map.

Mr. Patrick Riley of 256 Hicks Yarboro Road, Roxboro opposed the Board of Adjustment hearing appeals and suggested that farmers are no longer exempt from the soil conservation regulations.

Mr. Floyd Hicks, Jr. of 171 Helena Moriah Road, Timberlake declined to speak.

Ms. Faye Boyd of 69 Foxwood Drive, Timberlake stated opposition to all citizens being charged a fee, especially those not located in the watershed contributing to the problem.

Mr. Billy Williams of 1024 Henry Street, Roxboro with El Properties asked what affects the rules will have on small businesses in the watershed area.

Mr. James Williams of 1431 Hawkins Loop, Hurdle Mills asked what elevation is the contour line based. Mr. John Huisman with the NC Division of Water Quality stated the watershed boundaries are based on hydrology and offered to find out the answer to his question.

Mr. Tommy Wagstaff of 5370 Semora Road, Roxboro had no comments.

Mr. Jay Jennings of 155 High Rock Road, Hurdle Mills stated he signed up on both the opponent and proponent list to get more allotted time to speak. Mr. Jennings noted he is a proponent in favor of good water quality and an opponent as to how the regulations are forced upon Person County for the good of the City of Raleigh. Mr. Jennings stated Person County is not the major contributor for the source of pollution in the Falls Water Shed with the closest impaired stream approximately 10 miles from the Person County line. Mr. Jennings asked the Board to consider adoption with a sunset date as well as asked questions for clarification noting the multiple layers of costs that will be affected by the rules.

Mr. Larry Yarborough of 87 Duck Pointe Drive, Roxboro asked the Board to refuse the ordinance.

Mr. David Forsythe, PO Box 721, Roxboro, Director of Person County Group Homes confirmed the assessment fee would affect non-profits and churches. Mr. Forsythe stated he is the Chair of the Planning Board in Creedmoor and is familiar with the Falls Lake rules noting Raleigh has the authority to impose the rules on Person County. Mr. Forsythe recommended collaboration with the other jurisdictions to the point of assessing that the water quality of Person County is good quality and question why to improve that quality just to mitigate the problems in Raleigh.

The following individual spoke as a proponent to the Zoning Amendment, Section 31, Falls Lake Stormwater Ordinance for New Development and Approval of the local Stormwater Zoning Map.

Mr. Jay Jennings of 155 High Rock Road, Hurdle Mills was the only one to sign up and his comments are listed above under the proponents.

Chairman Clayton asked Mr. Wrenn and Mr. Huisman to address questions raised during public comments noting the goal of the jurisdictions is to obtain data to prove the quality of the water in Person County.

Mr. Wrenn told the group he is the attorney currently representing the five jurisdictions: Granville County, Person County, Butner, Creedmoor and Stem and actively working with the Upper Neuse River Basin Association to re-examine the technical data behind the rules, hired a consultant firm to perform a study, hired an Executive Director to spearhead the efforts. Mr. Wrenn stated the New Development standard before the boards pertain to new development only, legally required to be adopted without any fees on the county. Mr. Wrenn noted all reference to the fees mentioned are referenced to the possible participation by Person County in a Stormwater Utility with the other four jurisdictions to be considered at a later date, further noting the purpose to enter into cooperative cost saving measures to benefit all jurisdictions.

Mr. Wrenn told the group the rules are mandated by the EMC under Chapter 143-215.6 (a) (b) (c) of the NC General Statutes noting there are three types of sanctions that could be imposed upon a local jurisdiction that fails to properly implement the rules adopted the EMC. The first is civil penalties, up to \$25,000 per day, the second is that a board that willfully fails to implement can be held criminally liable and the third noted injunctive relief can be sought by the State of NC to take certain action.

Mr. Wrenn stated, in his legal opinion, a sunset date cannot be added to a State law.

Chairman Clayton added that Mr. Wrenn and he talked with legislators to lobby against the rules but to no avail. Mr. Wrenn pointed out the first draft of the rules were much more stringent than the current rules being mandated. Chairman Clayton stated he was not aware of any legislators that voted against the mandate.

Vice Chairman Puryear asked if court action to challenge the rules could be a possibility. Mr. Wrenn stated he did not know of a successful strategy to base challenge against the State of NC nor did he know if the penalties could be stayed during any such pending lawsuit. Mr. Wrenn recommended Person County to comply with the rules and re-examine during Stage II (2021) of the rules, all the while building a scientific case to convince the regulators the rules are not necessary. Mr. Wrenn noted data will be required to win a challenge against the State of NC.

Mr. Huisman told the group of a developed project the total disturbed area would be applicable to BMPs put into place to treat of the surface area.

Ms. Murphy told the group the rules for New Development for a storm water plan will be required for single dwelling, duplex, addition if more than ½ acre is disturbed. Ms. Murphy noted the commercial, industrial and multi-family limit is 12,000 sq. feet and over for a storm water plan to be required.

Mr. Brad Wesley, a Planning Board member and a real estate broker and building contractor noted the impact of more government imposed fees to a down economy may in effect put him out of business.

Commissioner Jeffers stated even as the rules are mandated and Person County has to pass an ordinance the citizens should know that Person County will continue to fight by getting data and facts.

Mr. Wrenn stated the following counties and municipalities are mandated to implement the New Development regulations:

Wake County	Durham County	Orange County
City of Raleigh	City of Durham	Hillsborough
Town of Wake Forest	Person County	Creedmoor
Franklin County	Roxboro	Butner
Stem	Granville County	

Mr. Huisman stated the rule making process was driven by the Clean Water Act include extensive provision to report back to the EMC every five years on all new available water quality data and technology starting in 2016 with a re-evaluation of Stage II by 2025. Mr. Huisman noted it is possible that the information updated could result in changes to the rules.

Mr. Huisman commented on the impaired water 303-D list mentioned by Mr. Jennings noting the Division of Environmental & Natural Resources (DENR) has in recent years cut back monitoring locations throughout the watershed while maintained stations in the Falls Lake to do a full assessment for the 303-D list however there are sometimes tributaries are not on the 303-D list simply because of the lack of monitoring data for that water body to make an assessment. Mr. Jennings asked Mr. Huisman if DENR/DWQ have water quality data for the City of Durham noting Person County's water flows into Lake Michie which would provide a more accurate data for the water quality of Person County. Mr. Huisman stated he would have to check but his understanding is there is not adequate data for a Lake Michie assessment related to the export from Lake Michie into the Falls Lake.

Mr. Huisman confirmed for the group the rules set a timeline in place for the local governments to adopt and implement their New Development and Stormwater Program by July 15, 2012. Mr. Huisman told the group there are two stages in the Nutrient Management Strategy whereby Stage I calls for nutrient reductions to achieve standards in the lower lake by 2021 and Stage II 2021 to 2041 with a commitment in the rules for a five-year report starting in 2016 and a re-evaluation of Stage II in 2025. Mr. Huisman reminded the group that five-year reporting periods provide a new opportunity to potentially revisit and modify the rules.

Mr. Wrenn advised both boards to follow the program, gather data for a re-examination.

A **motion** was made by Commissioner Jeffers, **seconded** by Commissioner Blalock, and **carried 5-0** to close the Public Hearing for Zoning Amendment, Section 31, Falls Lake Stormwater Ordinance for New Development and Approval of the local Stormwater Zoning Map.

A **motion** was made by Planning member C.L. Oakley, **seconded** by Planning member Brenda Riley, and **carried 7-0** to close the Public Hearing for Zoning Amendment, Section 31, Falls Lake Stormwater Ordinance for New Development and Approval of the local Stormwater Zoning Map.

Vice Chairman Puryear stated his opposition to the ordinance and the rules imposed and asked the Planning Board to use this opportunity to send a message to Raleigh to not cause a hardship in Person County. Vice Chairman Puryear asked the Planning Board to stand united and to consider voting against the ordinance.

RECESS

A **motion** was made by Commissioner Jeffers, **seconded** by Vice Chairman Puryear, and **carried 5-0** to recess the meeting at 7:40 pm until such time the Planning Board has had sufficient time to meet and bring back a recommendation to the Board of Commissioners.

Planning Board Chairman announced that the Planning Board will continue its meeting separately to consider the proposed changes.

Chairman Clayton reconvened the Board of Commissioners meeting at 8:26 pm jointly with the Planning Board to receive a recommendation on the Zoning Amendment as presented.

Planning Board Chairman, Barry Walker stated the Planning Board recommends by a vote to 7-0 to the Board of Commissioners to deny the Falls Lake Stormwater Ordinance for New Development and that the proposed amendment is not consistent with the Person County Comprehensive Plan.

CONSIDERATION OF THE ZONING AMENDMENT, SECTION 31, FALLS LAKE STORMWATER ORDINANCE FOR NEW DEVELOPMENT AND APPROVAL OF LOCAL STORMWATER ZONING MAP:

A **motion** was made by Vice Chairman Puryear, **seconded** by Commissioner Jeffers, and **carried 5-0** to accept the recommendation from the Planning Board and to deny the Falls Lake Stormwater Ordinance for New Development.

RECESS:

A **motion** was made by Vice Chairman Puryear, **seconded** by Commissioner Jeffers, to recess the meeting until June 4, 2012 at 6:00 pm.

A **amended motion** was made by Commissioner Jeffers, **seconded** by Vice Chairman Puryear, and **carried 5-0** to recess the meeting at 8:28 pm until May 29, 2012 at 8:30 am in the Board Room 215.

Brenda B. Reaves
Clerk to the Board

Jimmy B. Clayton
Chairman

May 23, 2012