

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
MARCH 15, 2010

The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met in the Superior Courtroom, 1 Hillsboro Street, located in Pittsboro, North Carolina, at 6:00 PM on March 15, 2010.

Present: Chair Sally Kost; Vice Chair, George Lucier; Commissioners Mike Cross, Carl Thompson, and Tom Vanderbeck

Staff Members County Manager, Charlie Horne; County Attorney, Jep Rose; Assistant County Manager, Renee Paschal; Finance Officer, Vicki McConnell; Clerk to the Board, Sandra B. Sublett; and Deputy Clerk to the Board, Elizabeth Plata

BOARD OF COMMISSIONERS’ MATTERS

State of the County Address: Consideration of a request to present the State of the County Address

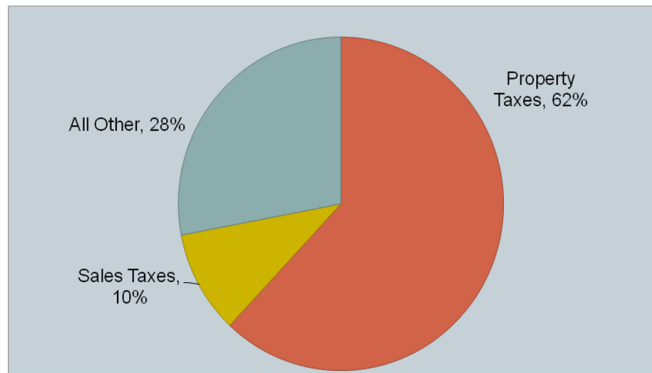
Sally Kost, Chair of the Chatham County Board of Commissioners, introduced the Chatham County Board of Commissioners and other elected officials in attendance. She then delivered the third State of the County Address with highlights as follows:



- Impact of Economy on County Finances and Services
- Major Activities and Initiatives
- Commitment to Education
- Emergency Preparedness
- Challenges Ahead

General Fund Budget = \$80.5 Million

5



Estimated Revenue

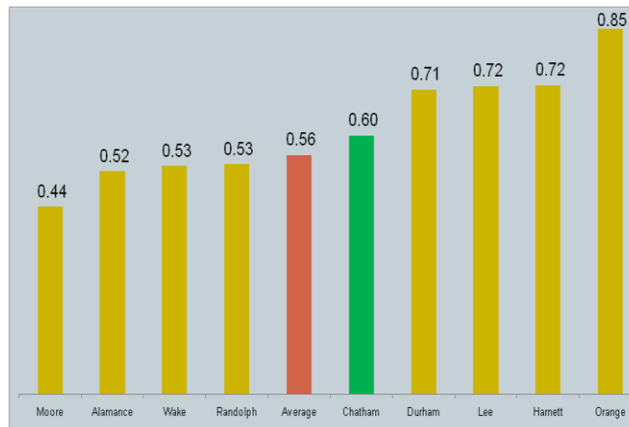
Percentage of Revenue from Property Taxes

As other revenues have decreased percentage of revenue from property taxes has increased



Comparison of Effective Tax Rates

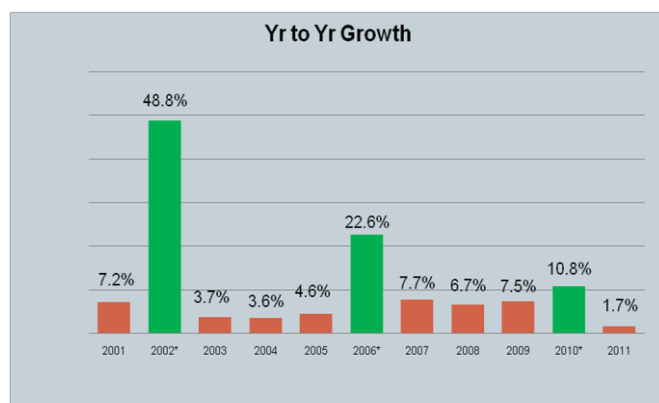
7



Cents per \$100 valuation; Adjusted for revaluation

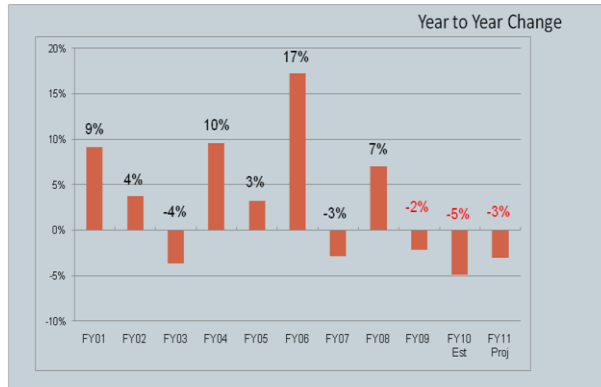
Tax Base Growth Projected to Slow Significantly

8



Vehicle Tax Base is Declining

9



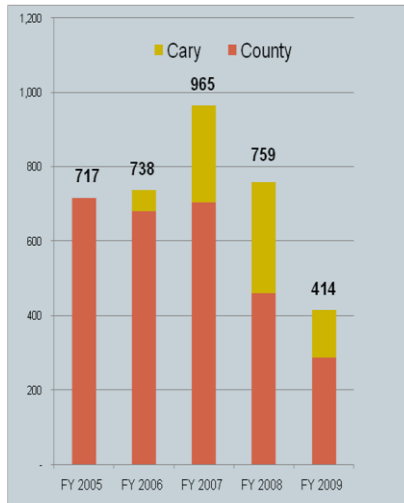
New Residential Building Permits

FY08 to FY09 - 45% drop

Cary permits mostly age restricted housing

Current (Jul 09- Feb 10) -160 permits County; 101 in Cary

Excludes Siler City

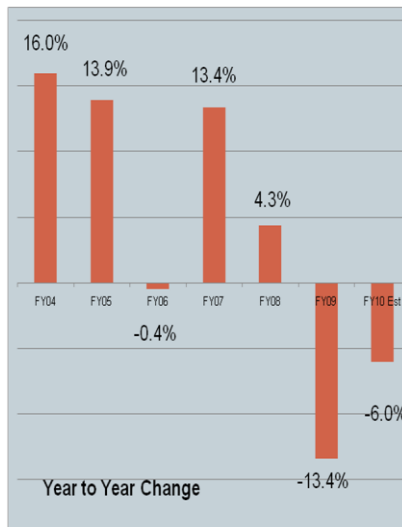


Chatham Sales Tax

10% of FY2010 budget

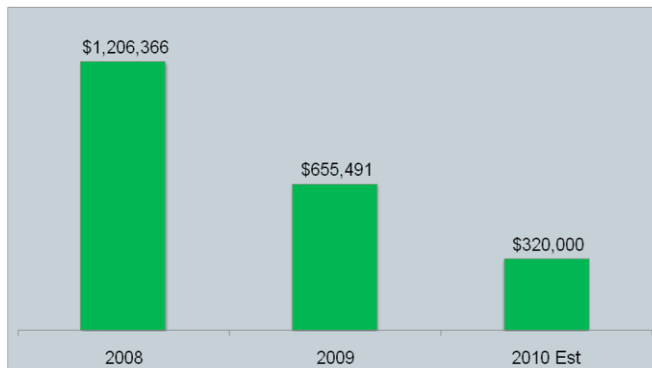
Sharp decline in FY09 resulted in \$1.8 million shortfall

As percentage of total revenue, has declined and lags behind other counties of similar size



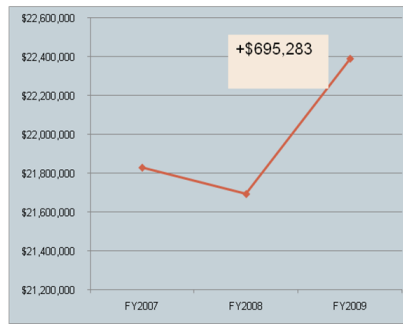
Investment Earnings have Decreased Equal to 1.1 Cents on Tax Rate

12



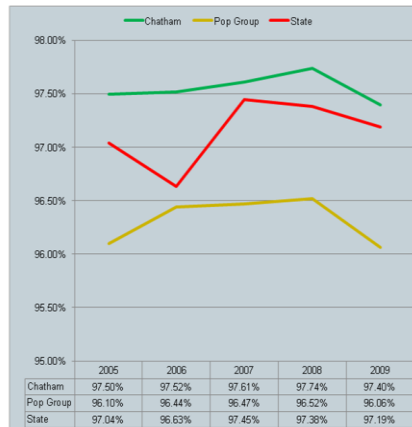
General Fund Balance

Discovery of business property resulted in \$1.6 M unbudgeted revenue
 Strong Collections
 Proactive in reducing expenses
 Consolidation of other funds into General Fund



Property Tax Collection Rate

Slight decline in FY2009
 Better than average counties of similar size
 Collections higher than statewide average



Actions Taken to Reduce Expenses

15

- Cut operations by 4% in FY09
- Delayed hiring
- Delayed capital projects
- Eliminated raises
- Delayed pay study implementation
- Re-assigned staff

Stimulus Funding and Grants

16



Stimulus

- NCRcovery.gov (thru Feb) \$29.8 M
 - \$7.6 M for unemployment payments
 - Over \$2 M replaces state cuts to education
- Grants favor economically distressed communities
- Funds flow through regional organizations

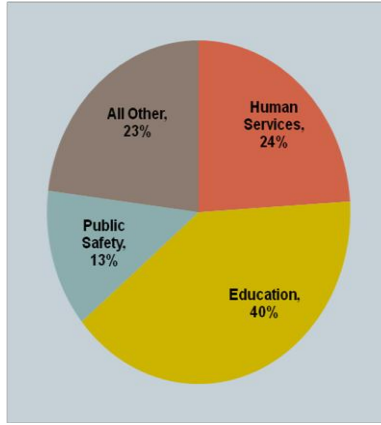
Grants

- In FY09 Grant writer - \$912,000

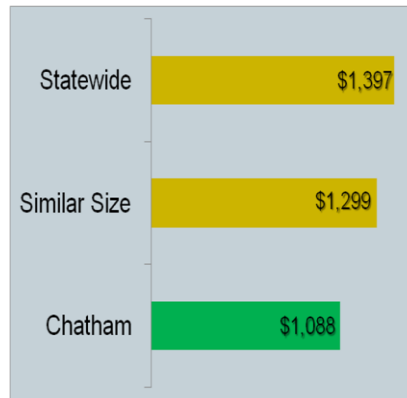
FY 2010 General Fund Budget \$80.5 Million

77% in three areas:

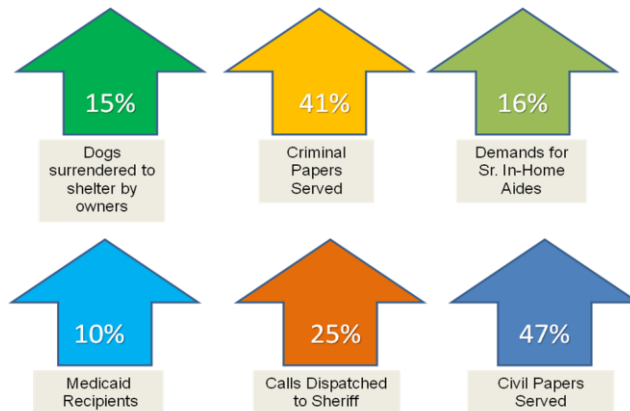
- Human Services
- Education
- Public Safety:
 - Sheriff
 - Emergency Ops



Chatham spends less per capita than statewide average and less than counties of similar size



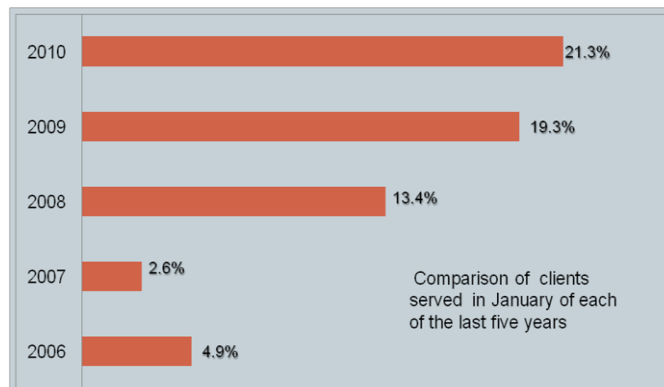
Per Capita Spending



Increases over 18 or 24 month period

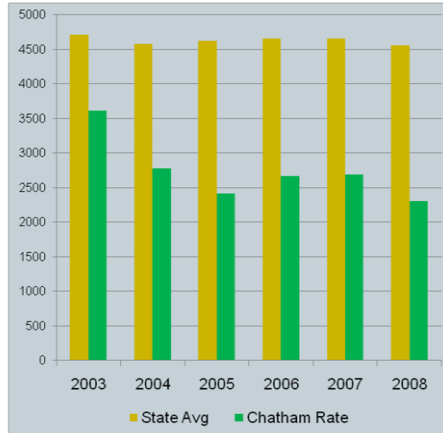
Food/Nutrition Clients Served

20



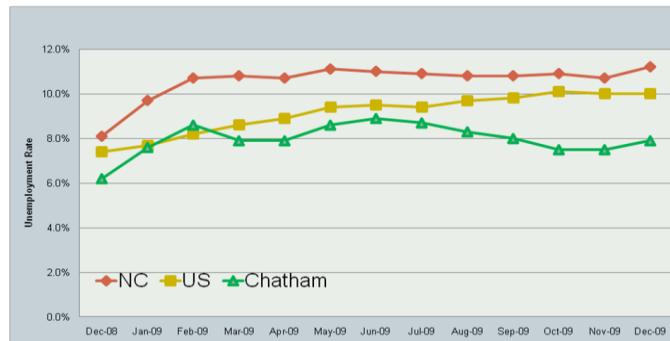
Violent and Property Crimes per 100,000 Residents

Chatham well below state average
 From 2007 to 2008, decline of nearly 15%



Chatham's Unemployment Below State & National Levels

22



650 student capacity
 Budget = \$24 M
 Briar Chapel donated land
 Location: Andrew Store Road
 Savings = \$2.1 M
 Late fall 2010 completion



Margaret B. Pollard Middle School

Built 1881 - \$10,666
 1930s 2nd story added

Current work \$488K

- New windows
- Cupola/masonry
- Soffits and fascia
- Painting



Historic Courthouse

Just under 400 acres
have been acquired,
including land donated
by the Strowd Family
and Briar Chapel

When practical,
acquiring land to co-
locate park and school



Land for Parks and Schools

Budget \$5.6 M
Replaces 1931 building
23,322 Sq Ft
Located at the Business
Campus on 40 acres
Enhance economic
development by providing
means to train workforce
Completion – Spring
Semester 2011



Savings - \$756,697

Central Carolina Community College - Siler City

Budget - \$8.29 M
+Friends of Library raised
over \$700,000
25,000 Sq Ft
Services college and
community
Opening late Summer
2010



Savings = \$1.3 M

Chatham Community Library

Long Range Planning and Modeling Benefit Taxpayers

29

- \$4.2 M savings on current projects
- Projected savings for new Judicial Center = \$1.8 M
- Funds set aside to pay the debt
- Favorable interest rates result in greater savings

**Collaboration of County, State
& Triangle Land Conservancy**

Forestry and agribusiness
retention, expansion and
attraction plan

Integrated marketing system

Expand education and training

Farmer recruitment program



Farmland Preservation Plan

**Parks & Recreation
Master Plan**

Guides parks and recreation
enhancements next 20 yrs

Top 5 facility priorities:

- Trails
- Open/natural space
- Fields: soccer, baseball,
softball
- Recreation Center/Gym/BB
Courts



Economic Development

32

- Active Economic Development Corp board
- Launched small business loan fund
- New incentives policy
- Marketing business campus in Siler City
- Launched capital campaign to transform EDC into public-private partnership



Grassroots request to
construct garden at
Bynum Park

Surplus food will be
donated to people in
need

*Garden currently
under construction*



Bynum Community Garden

- Annexation laws allow Cary to annex without Chatham's consent
- Subcommittee working for past nine months
- Public input sessions held
- Hearing scheduled for August
- Final adoption planned for October



Joint Land Use Plan with Cary

Health

35

- 4th in State in Health Outcomes
 - Based on how healthy a county is; measures how long people live and how healthy people feel
- 11th in Health Factors
 - Based on health behaviors, clinical care, social and economic factors, and physical environment
- Threat of Flu Pandemic – H1N1



Other Initiatives

36

- Significant Capital Investments:
 - Judicial Center –To begin in summer 2010
 - School renovations
 - Landfill
- Efficiency Improvements
 - Building retrofits for energy conservation
 - Initiated program evaluation
 - Employee suggestion program

Other Initiatives - continued

37

- Revaluation of real property
- Passage of mixed beverage referendum
- Pittsboro to Chapel Hill bus service
- New Sheriff substation in Goldston
- Green Initiatives
 - Permit rebates for green building
 - County facilities built to LEED standards

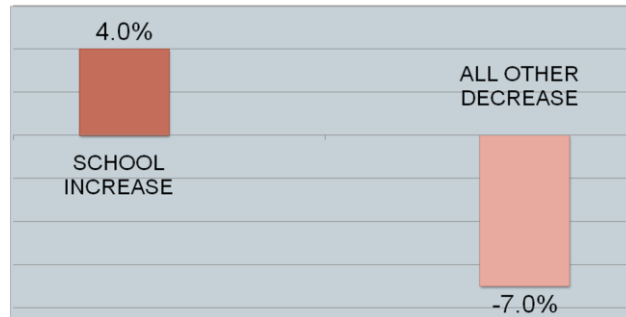
Other Initiatives - continued

38

- Planning and the Environment
 - Jordan Lake rules
 - Orange/Chatham workgroup
 - Major corridors zoning
 - Begin update of land use plan

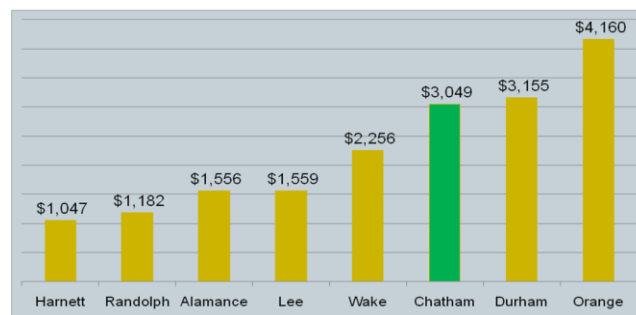
FY09 to FY10 Increase for Schools

40



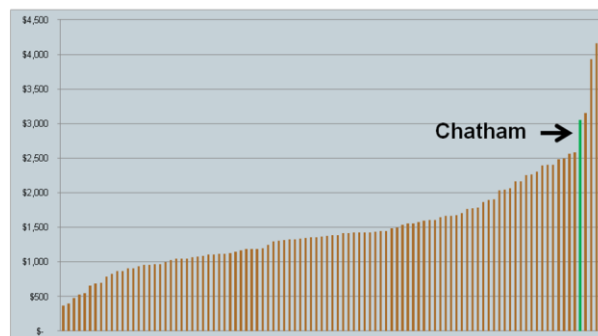
FY10 Budget for School Operations

41



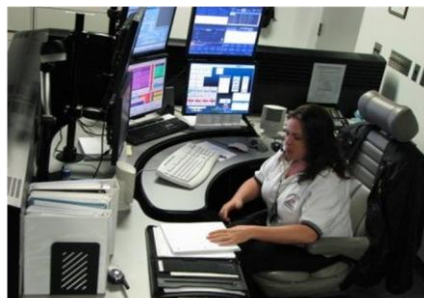
Rank 4th out of 100 in School Operations Funding

42



Handles about 52,000 calls a year

Dispatches Fire, Ambulance, Rescue and Law Enforcement



E - 911 Center

Emergency Operations

45

- E-911 Addressing Center
 - Reviews all names for new roads
 - Assigns address numbers

- Emergency Medical Services
 - Contracted with First Health of Chatham

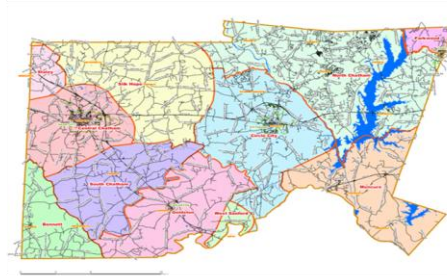


Fire Departments

- Fire departments serve all of Chatham
- Call Volume – 6,000 calls
- Tax Rates set each year as part of budget

Fire Marshal

- Inspections
- Prevention
- Education



Fire Districts

Challenges Ahead - Budget

48

- Impact of state budget on county
- Opening new facilities
- Decline of sales tax revenue
- Tax base growth has slowed

Other Challenges

49

- Competitive wages to recruit and retain quality employees
- Update of the land use plan
- Workload outpacing added resources
- Infrastructure, including high speed internet
- Economic Development – Bringing jobs to Chatham

INVOCATION AND PLEDGE OF ALLEGIANCE

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

CALL TO ORDER

Chair Kost welcomed those in attendance and called the meeting to order at 7:00 PM.

AGENDA AND CONSENT AGENDA

Chair Kost asked that the following be considered:

- Item #14, Subdivision preliminary plat approval of “Briar Chapel, Phase 5, Section 2”, consisting of 32 lots on 6.71 acres, located off Andrews Store Road, SR #1528 / Parker Herndon Road, SR #1526 and Briar Chapel Parkway, Baldwin Township be removed from the Consent Agenda and placed on the Regular Agenda for discussion.
- Item #15, Approval of reappointment of Becky Loflin to Chatham Trades Board by the Board of Commissioners be removed from the Consent Agenda and considered at a later date.

- Item #19, Chatham County Land Conservation and Development Plan Update Discussion be removed from the Regular Agenda and considered at a later date.

Commissioner Vanderbeck moved to approve the Agenda and Consent Agenda with the noted requests. Commissioner Lucier seconded the motion and congratulated the Chair on a terrific State of the County Address. The Consent Agenda is as follows:

1. **Minutes:** Approval of Board Minutes for Regular Meeting held March 01, 2010 and Work Session held March 01, 2010

The motion carried five (5) to zero (0).
2. **Non-Profit Review Panel Volunteer Appointments:** Approval of Non-Profit Review Panel Volunteers as follows: Robert Eby, Lakaisha Byrne, Karen Moore, and Dianne Pettus

The motion carried five (5) to zero (0).
3. **Naming of Private Road:** Approval of a request from citizens for the naming of private road in Chatham County as follows: Hopes Chase Drive

The motion carried five (5) to zero (0).
4. **Tax Releases and Refunds:** Request to approve tax releases and refunds, attached hereto and by reference made a part hereof.

The motion carried five (5) to zero (0).
5. **District 2 Reappointment to Board of Equalization and Review:** Request to reappoint District 2 member, Don Overby, to the Chatham County Board of Equalization and Review

The motion carried five (5) to zero (0).
6. **District 3 Appointment to Board of Equalization and Review:** Request to appoint District 3 member, Robert Britson, to the Chatham County Board of Equalization and Review

The motion carried five (5) to zero (0).
7. **District 4 Appointment to Board of Equalization and Review:** Request to appoint District 4 member, Judith Peterson, to the Chatham County Board of Equalization and Review

The motion carried five (5) to zero (0).
8. **District 5 Appointment to Board of Equalization and Review to Board:** Request to appoint District 5 member, Herbert Gaines, to the Chatham County Board of Equalization and Review

The motion carried five (5) to zero (0).
9. **At-Large Appointments to Board of Equalization and Review:** Request to appoint at-large members, Tom Glendinning and Bart Dunn, as alternate members to the Chatham County Board of Equalization and Review

The motion carried five (5) to zero (0).
10. **Deputy Tax Collector Appointment:** Request to appoint Mike Kennedy as Deputy Tax Collector

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

11. **Contract Renewal for Foreclosure Services:** Request to approve renewal of foreclosure contract with Zacchaeus Legal Services, attached hereto and by reference made a part hereof.

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

12. **Grant Approval Request for EPA Resource Conservation Challenge:** Approval of a request to apply for an EPA Resource Conservation Challenge Grant in the amount not to exceed \$45,000 for a pilot program to decrease the amount of organic material from the municipal waste stream, grant application attached hereto and by reference made a part hereof.

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

13. **Stipend Approval Request for Trailblazers Award:** Approval of a request to apply for a Trailblazers stipend award in the amount of \$5,000 to fund performance measurement dashboard software and an intern to implement the software. The project will increase government transparency by posting dashboards of departments' performance measures online, attached hereto and by reference made a part hereof.

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

14. ~~**Subdivision Preliminary Plat Approval of "Briar Chapel, Phase 5, Section 2":** Request by Bill Mumford, Sr., Project Manager on behalf of NNP Briar Chapel, LLC for subdivision preliminary plat approval of "Briar Chapel, Phase 5, Section 2", consisting of 32 lots on 6.71 acres, located off Andrews Store Road, SR #1528 / Parker Herndon Road, SR #1526 and Briar Chapel Parkway, Baldwin Township~~

This item was removed from the Consent Agenda and placed on the Regular Agenda for discussion.

- ~~15. **Reappointment to Chatham Trades Board:** Approval of reappointment of Becky Loflin to Chatham Trades Board by the Board of Commissioners~~

This item was removed from the Consent Agenda to be considered at a later date.

16. **Reappointment to the Human Relations Commission:** Approval of reappointment of Heather Rodin to the Human Relations Commission by Commissioner Cross

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

END OF CONSENT AGENDA

PUBLIC INPUT SESSION

Judi Anderson, 11415 Governors Drive, Chapel Hill, NC, presented her comments to the Board and provided them in their entirety for the record as follows:

"Good evening. My name is Judi Anderson. I serve as chairperson for the external relations committee, which is part of the Governors Club Property Owners Association.

I speak tonight on behalf of all of the POAs in the area of Governors Village. This includes Governors Lakes, Governors Townhomes and Governors Villas, as well as Carolina Meadows, and Governors Club. We are connected geographically but are independent of one another.

I am confident you are aware of recent activities in Governors Village associated with a 3-acre parcel that is zoned commercial and permitted as "conditional use."

The residents in the village and surrounding communities were surprised to learn that this parcel was changing hands and that there had been no public notice or opportunity for input on the proposed use.

Concerned residents mounted a campaign to petition against this proposed use of the land, gathering nearly one-thousand signatures in less than two weeks' time. Their grassroots communications efforts were also directed at the purchaser of this parcel.

What happened in Governors Village is a "wake up call." It demonstrates that this can occur *anywhere* in our county. With that in mind, and on behalf of all of the POAs in our community and all other residents of the county, I ask that you consider creating a task force or other body to explore the following issues:

- **The first of these is conditional use permits that apparently have no time limitation.** The Governors Village parcel was originally permitted as conditional use in 1988. I'm confident you will agree that what may have worked twenty-two years ago is not necessarily appropriate today.

We ask you to explore ways in which conditional use permits, even grandfathered ones, have a *limited* life-expectancy. At a minimum, regulations should include requirements that force these properties to conform to current ordinances and other regulatory requirements.

- **The second issue is transparency.** In this instance, communications and transparency were virtually non-existent. The nearby neighbors learned that something was afoot when they saw surveyors.

We ask that the county create reasonable notification procedures, including posting a property and notifying nearby neighbors or the community property owners association. This must happen well in advance of any zoning, permitting, or building activities.

The issue of communications also relates to the property developers, property owners and others. Communications with neighbors in a forthright, open, and businesslike way should be a requirement. Simply responding to phone inquiries, requests for meetings, and correspondence would be a refreshing change. We saw precious little of that in our many attempts to contact the purchaser in the Governors Village episode.

It has been my experience –and perhaps yours as well--that developers and property owners who communicate openly and freely with neighbors from the outset are the ones you really want to have working in the community. Communications must continue long after the project is completed, so starting out on the right foot is definitely the way to go.

- **Our third request is for formal public input.** We ask you to seek ways to include formal public input as part of permit and zoning activities that relate to grandfathered and other parcels. Issues to be considered must include:
 - Quality of life considerations such as
 - Appearance, traffic and noise
 - Environmental impact
 - Property value
 - Infrastructure
 - And other essential factors

In the Governors Village example, this is apparently not possible on this parcel of land.

The good news is that your effort to correct what happened in Governors Village will help *all* Chatham County residents. That is especially true for those with property near land that is zoned commercial and designated as conditional use.

Thank you for allowing me this time to bring this issue and our requests to your attention.

I'm always eager to work toward solving issues, not just surfacing them. So, in closing, I would like to offer help to the task force or committee that the board of commissioners designates to explore these concerns.

A number of our neighbors have land development expertise in their former professional lives. Others are retired attorneys with relevant real estate backgrounds. Most are from areas of the country that have grown rapidly. They know the pitfalls and the possibilities of what happened there and could happen here.

These individuals recognize, as we all do, that with the many benefits of growth we also must deal with myriad issues. And how we manage these issues is crucial. They need resolution in ways that protect neighbors without stifling business development.

Should you want to avail yourselves of their expertise, please contact me and I will happily arrange introductions.

Again, thank you for this opportunity to speak. If you have any questions, I'll be happy to try to answer them. I will also provide a copy of these remarks to Sandra Sublett for the minutes."

Commissioner Lucier asked the Board if they should ask staff to look into what options they might have regarding grandfathered parcels. He stated that he was unsure of the details of this particular case. He asked what their options were for grandfathered parcels that already have conditional use permits, their time frames, the options for cases where it might have been twenty years, if they can go back and look at them, and what they can do.

Jep Rose, County Attorney, stated that he had been approached about this issue.

Chair Kost stated that this issue has raised a lot of questions with regard to projects that were approved so long ago and what now can or cannot be done. She stated that some very valid points have been brought up that need to be addressed.

Malcolm McCracken, 1390 Mt. Vernon Springs Road, Siler City, NC, voiced concern with regard to the litter in his area of the County. He stated that Old US Highway #421 south of Highway #64 has an inordinate amount of trash from Foust Road to the Townsend driveway where 90% of the trash stops; that the area is littered with fast food containers and wrappers; that there is also a lot of trash on Old US Highway #421 to Bonlee; that with the County promoting tourism, he feels that prospective industry would not want to invest in such a trash-infested place; that he visited the Townsend Hatchery approximately six months ago and left a message for the Townsend manager regarding the trash; that he has talked with Chatham County's Waste Management regarding this issue, which they say cannot be enforced without actually seeing someone throw out the trash and without license plate numbers; that if the people could be educated, possibly through their children in the schools who could then educate their parents, he believes it would help eliminate the problem; and that he would like for the Commissioners to visit the area, help determine who is trashing the area, see what can be done about the problem, and determine what can be done to eliminate it.

Commissioner Thompson stated that he lives in Bear Creek and that approximately one month ago, he lodged a complaint/concern with the Board regarding the trash along the mentioned highways. He stated that it looks better now because of the Board of Commissioners' actions to cleanup that stretch of Highway #421; that the area looked awful and was an embarrassment; that the Board contacted NCDOT regarding the matter; that he is uncertain if they used inmate labor or maintenance personnel; that he would suggest that they continue to respond to the concerns of different areas off Highway #421 where the troublesome areas are located; that they will relay those concerns to NCDOT and he feels they will respond; that ecotourism is a big thing in Chatham County and he feels they are now promoting economic development. He expressed appreciation to Mr. McCracken for lodging the complaint and stated that they will continue to do what they can, stating that he personally will visit Foust Road.

Mr. McCracken thanked the Board for their concern.

Commissioner Vanderbeck stated that we might contact the Chamber of Commerce who also has ownership in the problem to help educate their clientele; that they want to attract business; and it might be possible to start an educational campaign working with them.

Commissioner Thompson stated that he has also seen furniture and bags of garbage on the road in this area.

Commissioner Lucier reiterated that Mr. McCracken made a good suggestion with regard to asking for the schools' help; that maybe by sending a letter to the schools asking them to have some educational effort in terms of keeping Chatham's roadsides clean; that it is not the children who are littering, but it is the children who can often influence their parents' behavior.

Robert Sears, 454 Lewter Shop Road, Apex, NC, voiced concern with regard to the Joint Chatham-Cary Land Use Plan on the east side of Jordan Lake. He stated that Chatham County needs some type of binding agreement to allow no annexation by Cary without Chatham's permission; that the Commissioners have been working hard on this plan and he appreciates their time; that he feels that they need to take the plan and return the land to RA-40; that the Board now has the leverage that will make Cary listen; that Cary did not have permission to run their 60" line across Chatham County which will stretch over 8-9 miles; that they want no annexation into Chatham County by anyone in that area without the unanimous consent of the Board of Commissioners; that there is also a water allotment; that the Board now has leverage and he asks that they use it wisely.

Lesley Landis, 21 Randolph Court, Pittsboro, NC, presented her comments to the Board and provided them in their entirety for the record as follows:

"I'm here to give you a brief update about the work of the Chatham County Arts Council, also known as ChathamArts.

First, I'm pleased to announce that we submitted our county grant application to the United Way office on March 1st. We are extremely appreciative for the opportunity to apply for these essential funds.

We think you will be pleased with the progress we have made in the past year. In my previous presentation, I told you about winning the 2009 Annual Arts Award from "The Independent Weekly." Now ChathamArts is proud to announce that we were recently honored with two new awards:

- The Jerry Markatos "Diversity in Media Award" from the Chatham Human Relations Department
- The WCHL Village Pride Award, an honor we shared this year with such other local heroes as Larry Hicks, Allen Baddour, Bland Simpson, and Haven Kimmel.

In recent months, ChathamArts also won numerous new grant awards including a highly competitive stimulus grant from the state and several new foundation grants including one from the Carlsen Fund and another from the Galloway Ridge Foundation.

The latter allowed ChathamArts to launch our Youth Documentary pilot program at SAGE Academy Alternative School in Siler City. This program provides a powerful outlet for expression and for developing the confidence and leadership capacity of students who have been deemed "at-risk". It also provides an important program for a school that lacks resources for arts electives or other after-school activities.

I know some of you were able to attend the Emerging Issues Forum on Creativity last month at NCSU and heard about the importance of Arts Education in schools. I want to

assure you that through our Arts in Education residencies which offer youth of all levels of accomplishment the opportunity for expression and new ways of seeing the world, ChathamArts is doing our part to develop the imaginations of our young people. The economy is shifting towards new economies dependent on invention and innovation springing forth from creative minds. These are the building blocks on which a more sustainable competitive advantage is based. This is the future of Chatham County and North Carolina and ChathamArts is excited to be a part of it.

Meanwhile, ChathamArts continues to populate our board with highly skilled members who accurately represent the diversity we enjoy in our Chatham community. This has helped us to continue strengthening our agency infrastructure into something of which we are very proud. We could not have done this without your guidance and listening ear.

ChathamArts also thanks the Chatham County Economic Development Corporation, which last month convened our organization, the NC Arts Incubator Incubator and the Chatham Artists Guild to discuss collaborative possibilities towards branding Chatham County as an Arts and Culture destination. That meeting was very helpful and we're grateful to have that conversation underway.

ChathamArts also continues to offer artful events that draw visitors to Chatham and to serve to connect our county's citizens to the arts all around us. We invite everyone to enjoy the 9th Annual ClydeFEST this April 17th in Bynum which will be bigger and better than ever! I'm also inviting you to attend what we believe will be the first ever professional symphony concert held in Chatham County. Mark your calendars for Sunday, May 23rd at the gorgeous and newly renovated Northwood High School Auditorium, where ChathamArts will present William Henry Curry and the Durham Symphony Orchestra for our first Annual Spring Symphony Pops fundraiser. The concert begins at 7 pm, and we invite you to a reception with Mr. Curry and symphony members beforehand beginning at 5:30 pm. Chatham Central High School Culinary Arts program will cater.

Meanwhile for links to other arts events, and info on the artists in our gallery at 115 Hillsboro St, please check our website www.chathamarts.org

Thank you once again for your time, your support, and for all you do for our county."

PLANNING AND ZONING

SUBDIVISION PRELIMINARY PLAT APPROVAL:

Subdivision Preliminary Plat Approval of "Briar Chapel, Phase 5, Section 2": Request by Bill Mumford, Sr., Project Manager on behalf of NNP Briar Chapel, LLC for subdivision preliminary plat approval of "Briar Chapel, Phase 5, Section 2", consisting of 32 lots on 6.71 acres, located off Andrews Store Road, SR #1528 / Parker Herndon Road, SR #1526 and Briar Chapel Parkway, Baldwin Township

Jason Sullivan, Acting Planning Director, explained that the developer is requesting preliminary plat approval of "Briar Chapel, Phase 5, Section 2, consisting of 32 lots on 6.7 acres. The lots are for individual single family dwellings. The lots are accessed internally off Briar Chapel Parkway by way of Serenity Hill Circle, a proposed state maintained roadway. All driveways will access directly off Serenity Hill Circle. Phase 5 South, Section 1, consisting of 28 lots received final plat approval from the Board of County Commissioners on January 19, 2010. The 2005 Master Sketch Plan design showed Phase 5 having 38 lots with a shorter length of roadway. The total number of lots now included in Phase 5 South, Phases 1 & 2 is 60 and the roadway length has been increased. In a letter dated January 26, 2010, Grey Styers, attorney for the applicant, has stated in part "the adjustment in the number of lots for this plat (compared to the concept Master Plan in 2005) is in substantial compliance with the Conditional Use Permit (CUP)" "it was understood by all parties that the precise layout of the lots would vary from the lines drawn on the Concept Master Plan" "the project will need flexibility" ... and "finally, any re-allocation of lots in this Phase 5, Section 2 Plan maintains the original intent and character of the Master Plan. The street and

overall development design has not changed." See attachment # 2 for entire letter. As the Briar Chapel project has progressed and the various phases and sections have been brought for review, the original Master Sketch Plan, has been modified. Staff has asked for clarification from the Board of County Commissioners regarding modifications to the Master Sketch Plan. The issue was discussed at the February 1, 2010 County Commissioner meeting work session. Per Board discussion the change of internally lot design can be reviewed by the Board under conditions 18 and 19 of the Conditional Use Permit.

During the Planning Board discussion some questions were raised regarding the water system, size of the water quality pond # 9, and the retaining wall shown to be constructed on Lots 584 -- 587. Bill Mumford with Briar Chapel was present and addressed the Planning Board's questions. The plat displays the necessary information and meets the requirements of the Subdivision Regulations with the approvals of other agencies. The Planning Department and the Planning Board by a unanimous vote of 9-0 recommended granting approval of the request as submitted.

Chair Kost stated that she had recently learned that there had been some violations with 401 and 404 permits with regard to streams and asked if the Planning Director could update the Board on the status of those.

Mr. Sullivan explained that the issues go back quite a while that required modification with 401 and 404 permits; that questions were raised at the December Planning Board meeting regarding the work they had done in trying to get compliance; that they paid a penalty and also have a remediation plan in place to correct the damage that was done; that as per an email from Fred Royal regarding the Briar Chapel 401/404 violations, they have completed the required repair/stream restoration work and he has inspected the repairs.

Lee Bowman addressed the 401/404 violations stating that they happened in 2007. He stated that as part of the permit modification process, the registration plan for this area was also improved with the widening of Andrews Store Road and turn lanes for the new school; that that modification is packaged together and approved by federal and state agencies in the fall of 2009; that the violation areas were primarily the result of their failure to include in the original 401/404 permit the temporary impacts necessary to protect the streams during culvert installation; that they will meet on Friday with the different agencies for the final inspection.

Bill Sommers, Planning Board Member, stated that his concern is that when the issue came up for a vote by the Planning Board, he did not know the statue of that violation and what was being done about it. He stated that had he realized and known that, he probably would not have voted for it; that he believes that the Planning Board should take all of this into consideration; that he realizes that Briar Chapel has done a lot for the County and has worked to meet the requirements, but he thinks that in this particular case, his suggestion to the Board is that this issue be referred back to the Planning Board so that Briar Chapel can give a full and explicit explanation of the violations and what progress is being made to adhere to the requirements of the 401/404 and the two agencies and then the Planning Board will know about this and that the information can then be transmitted and then the approval will probably be made.

Chair Kost stated that she didn't disagree that this information should have been part of the Planning Board's discussion, but based on the memo from Fred Royal, it looks as though Mr. Royal has been on top of this and that everything is close to where they want it to be. She stated that, in the future, they need for the Planning Board to understand any outstanding permits.

Commissioner Lucier stated that that is also the impression he has from Mr. Royal's email; that also in the email, he states that Briar Chapel is going to present another discussion to the Environmental Review Board, likely in April, and they can then get a recommendation about any other issues with which they need to deal with violations and restorative work that has been done.

Commissioner Lucier moved, seconded by Commissioner Cross, to approve the subdivision preliminary plat approval of "Briar Chapel, Phase 5, Section 2", consisting of 32

lots on 6.71 acres, located off Andrews Store Road, SR #1528 / Parker Herndon Road, SR #1526 and Briar Chapel Parkway, Baldwin Township. The motion carried five (5) to zero (0).

PUBLIC HEARING: (Evidentiary)

Public Hearing for Revision to Existing Conditional Use Permit on Mt. Carmel Church Road: Public hearing to receive public comments on a request by Lauren Fitts *dba* Carolina Waterscapes for a revision to an existing conditional use permit for a landscape design, food and beverage retail, and general retail business, located at 781 Mt. Carmel Church Road, Parcel #19430, Williams Township, to include personal service shop specifically for exercise instruction, massage and physical therapy, acupuncture, and Bodywork for physical health.

Jason Sullivan, Acting Planning Director, explained the specifics of the request and answered questions from the Board.

The Chair administered the oath to those in attendance who wished to make public comments.

Judi Anderson stated that for clarification, the property to the far side of Mt. Carmel Church Road is the apartment complex; that Governors Club is a separate homeowner's association from Governors Villages, Governors Forest, and other developments in the area; that none of the other stuff around there is Governors Club; and that it may say Governors Club on some of the earlier records, but that is not what it is.

Commissioner Lucier asked if any written or verbal correspondence had been received regarding this issue. Mr. Sullivan replied that none had been received.

Chair Kost asked if the owner had been notified that that request was being heard at the night's meeting. Ms. Birchett replied that she had another pressing matter to which she had to attend.

Commissioner Lucier suggested continuing the public hearing at a later date due to questions that he had of the owner.

Commissioner Vanderbeck moved, seconded by Commissioner Lucier, to continue the public hearing until the April 19, 2010 Board of Commissioners' meeting. The motion carried five (5) to zero (0).

Chatham County Land Conservation and Development Plan Update: Discussion on proposed Chatham County Land Conservation and Development Plan Update

This item was removed from the agenda to be discussed at a later date.

MANAGER' S REPORTS

The County Manager reported on the following:

Catawba Landfill Tour:

The Catawba Landfill tour will take place on March 22, 2010. Departure will be at 8:00 AM. It was noted that Commissioner Thompson has conflict with that date and will be unable to attend. Commissioner Cross has already visited the site and will not be attending. Commissioners Kost, Lucier, and Vanderbeck and some members of the Solid Waste Advisory Committee will attend. Box lunches will be prepared for the trip.

COMMISSIONERS' REPORTS

Camelback Bridge:

Commissioner Cross stated that last month, Tracy Burnett (Chatham County Recreation Director) and he met with the Deep River Park group and an engineering firm to

get an estimate on renewing the surfaces on the Camelback Bridge. He stated that Margaret Jordan Ellis requests that the Board of Commissioners permit them to use the County's grant writer, Lisa West, in helping them prepare a grant for the refurbishing of the bridge.

The County Manager stated that they would do what they could and he would follow-up on it and would contact Ms. Jordan-Ellis to let her know that the Commissioners are on board.

Commissioner Cross stated that he thought they had money identified for this purpose.

By consensus, the Board agreed to the request.

Chair Kost asked the County Manager to contact Ms. Jordan-Ellis to let her know that the Board is agreeable to the request.

Central Carolina Community College Dinner:

Commissioner Lucier stated that on April 28, 2010, the Central Carolina Community College Board of Trustees is meeting at the Pittsboro Campus; that Dr. Marchant has invited all the Commissioners to the dinner prior to the Board of Trustees' meeting; and that he will confirm the time of the dinner.

Ethics Training:

Chair Kost reminded the Board of the required ethics training which is scheduled to be held on March 25, 2010 from 4:00 to 6:00 PM.

NC Department of Transportation Meetings:

Chair Kost stated that she had received a letter from the North Carolina Department of Transportation, Tim Johnson, stating that the Secretary of Transportation, Eugene Conti, is holding a couple of meetings to which elected officials are invited. The first meeting is on March 24, 2010, 9:30 AM, to be held in Aberdeen. The second meeting is on March 29, 2010, 9:00 AM, to be held in Sanford.

ADJOURNMENT

Commissioner Thompson moved, seconded by Commissioner Vanderbeck, to adjourn as the Chatham County Board of Commissioners and convene as the Southeast Chatham Water District Board. The motion carried five (5) to zero (0), and the meeting adjourned at 7:56 PM.

Sally Kost, Chair

ATTEST:

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