

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
MARCH 21, 2011

The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met in the Central Carolina Community Library, 197 Highway 87 North, located in Pittsboro, North Carolina, at 2:00 PM on March 21, 2011.

Present: Chairman Brian Bock; Vice Chair Walter Petty; Commissioners Mike Cross and Sally Kost

Absent: Commissioner Pamela Stewart

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

PLEDGE OF ALLEGIANCE AND INVOCATION

Commissioner Cross delivered the invocation after which the Chairman invited everyone present to stand and recite the Pledge of Allegiance.

CALL TO ORDER

The Chairman welcomed everyone and called the meeting to order at 2:07 PM. He explained the changes in the Regular Meeting and Work Sessions.

APPROVAL OF CONSENT AGENDA AND REGULAR AGENDA

The Chairman asked if there were additions, deletions, or corrections to the Agenda and Consent Agenda.

Chairman Bock asked that Consent Agenda Item #9, approval of a request to appoint Judith Petersen as the Board of Equalization and Review Chair be moved from the Consent Agenda and placed on the Regular Agenda for discussion due to a citizen request.

Chairman Bock asked that a Closed Session be added at the end of the Agenda.

Commissioner Petty moved, seconded by Commissioner Cross, to approve the Consent Agenda and Regular Agenda with the noted requests as follows:

1. **Minutes:** Approval of Board Minutes for the Regular Meetings held on February 21, 2011 and March 07, 2011 and Work Sessions held March 07, 2011, October 18, 2010, and November 15, 2010

The motion carried four (4) to zero (0).

2. **Tax Releases and Refunds:** Approval of tax releases and refunds, attached hereto and by reference made a part hereof.

The motion carried four (4) to zero (0).

3. **Budget Reduction for Focus on Fathers and Children’s Resource Van:** Approval of a request for a budget reduction in the amount of \$2,992 for the Focus on Fathers Program and the Children’s Resource Van in the Chatham County Health Department

The motion carried four (4) to zero (0).

4. **Budget Reduction for HIV Case Management Program:** Approval of a request for a budget reduction in the amount of \$17,890.81 in the HIV Case Management Program from the Health Department

The motion carried four (4) to zero (0).

5. **Purchase and Installation of Water Meters:** Approval of a request to:

(A) Purchase 2,061 water meters at a cost of \$395,815

(B) Approve and award contract to Mueller Service Company to replace the 2,061 meters

(C) Authorize the County Manager to sign the contract on behalf of the County

The motion carried four (4) to zero (0).

6. **Mowing Contracts for 2011-2012:** Approval of a request to award mowing contracts for 2011-2012, attached hereto and by reference made a part hereof.

The motion carried four (4) to zero (0).

7. **Sports Field Lighting:** Approval of a request to purchase and install sports field lighting at two locations; Northeast Park and Briar Chapel Park

The motion carried four (4) to zero (0).

8. **Joint Resolution to Modify the Method of Formulating the Membership Composition of the Board of Trustees of Central Carolina Community College:** Approval of a request to adopt **Joint Resolution #2011-16 by the Boards of County Commissioners for Chatham and Harnett Counties Requesting a Local Statutory Act That Would Modify the Method of Formulating the Membership Composition of the Board of Trustees of Central Carolina Community College**, attached hereto and by reference made a part hereof.

The motion carried four (4) to zero (0).

9. ~~**Board of Equalization and Review:** Approval of a request to appoint Judith Petersen as the Board of Equalization and Review Chair~~

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

10. **Bid for Relocation of Water Line on Zeb Brooks Road:** Approval of request to award the bid for the relocation of the 6-inch water line on Zeb Brooks Road to Ted Thomas Construction in the amount of \$282,775.00 and authorize the County Manager to sign the contract on behalf of the County

The motion carried four (4) to zero (0).

11. **Contract with Progress Energy for Northeast Park Lighting:** Approval of contract with Progress Energy for Northeast Park parking lot lighting

The motion carried four (4) to zero (0).

12. **Community Development Block Grant (CDBG) from the NC Department of Commerce:** Approval of a request to authorize Chatham County to serve as applicant for a Community Development Block Grant (CDBG) from the NC Department of Commerce for up to \$750,000 to extend a gas line to the feedmills and hatchery belonging to Omtron USA, LLC, dba Townsends. The company will be responsible for providing the local match for the CDBG funds in the amount of at least \$250,000 and for paying any consultant fees associated with the project, no County funds will be expended on the project

The motion carried four (4) to zero (0).

END OF CONSENT AGENDA

PUBLIC INPUT SESSION

Judith Butt, 112 Stone Edge, Pittsboro, NC, stated that she was so proud of the Central Carolina Community Library and that she wanted the Commissioners to have a copy of the *artsee* which has a wonderful article with regard to the new library. She distributed copies of the magazine to the Board.

Caroline Thorsen, 1450 Manns Chapel, Pittsboro, NC, presented her comments to the Board and provided them in their entirety for the record as follows:

“My Name is Caroline Thorsen. I live in North Chatham on Manns Chapel Rd.

There are three people in our home; my husband is 73 and markedly disabled, my mother age 89 is in good health but does not drive and me. I have hired a person to stay with my husband so I could come here today.

I realize that our country is in great fiscal disarray, and the county is not different. I do not envy you with having to balance the budget. We all live on fixed incomes in my family and it is tough with the rapidly raising costs.

I am very sad that the library executives choose to cut the bookmobile as a large part of the fiscally mandated cuts. It is as if you are cutting out an entire branch of the library, but the bookmobile is far more than a single branch as it goes to so many different places, including day care centers and senior centers and homes.

The bookmobile serves people who have a hard time going to the main library in Pittsboro. I am unable to leave my husband for more than 1 ½ hour at a time without hiring a care taker. The bookmobile is one of the few diversions my mother and I have. She reads 4 or more books a week. On my good weeks I can read 1 or 2. You as county commissioners are dealing with an aging population. Keeping books in our hands will keep us more involved with life and health.

On a personal note, Miss Edna is a remarkable, competent, caring librarian. She knows her clients, always has a new book ready for everyone and always gets any book we request. She keeps us connected with the world.

She is wonderful with children. Most kids come in and tell her about the books they have read the week before. I have never seen a child leave without more than one new book that they have not read. They always leave with great smiles on their faces. It is a thing of beauty to see such involved young readers. She knows the tastes of children and adults and almost treats us equally. (We don't get prizes for reading books like the kids do!)

If you can interest more children in reading you will be doing much to cut the costs of juvenile delinquency. I would think many of the children she serves are unable to go to the library with their working parents who are too busy trying to put food on the table and keep a roof over the heads of the children. I know when I was working it was next to impossible to get to a library in a rural area with a long commute.

Have you actually looked at the places the book mobile goes to? Have you really thought about the ramification of cutting such a valuable service?

Please take a long hard look at what the bookmobile actually does before you make the awful decision to cut it out. I am sure if an unbiased investigation is done at cutting fairly across the board that the bookmobile could be saved. I do not understand why the quick budget fix is to totally cut out one branch of the library.”

Elizabeth Blick, 1450 Manns Chapel, Pittsboro, NC, presented her comments to the Board and provided them in their entirety for the record as follows:

“I am asking you to reconsider dropping the bookmobile service.

I am an 89 year old and in relatively good health. I can no longer drive so I am dependent on my daughter to drive. She has a seriously handicapped husband who cannot be left alone more than 1-2 hours. We are heavy users of the bookmobile at Cole Park.

As the population ages, there will be more people like me. It would be as if you removed a branch library, if the bookmobile ceases to come to aged and the very young in daycares; and all in between ages.

Miss Edna is so good, knows her clientele, young and old. The books aboard are new, interesting, and enjoyable.

Please find the funds by more across the board method of cutting services.

Thank you for giving more thoughtfulness and fairness in your decisions. I would miss books if they were not available without having to get a sitter to obtain them.”

Randy Voller, 21 Randolph Court, Pittsboro, NC, thanked those who attended the Creative Summit this weekend in Silk Hope. He stated that he wanted to put the quote on the record from Linda Carlyle, North Carolina Secretary of Cultural Affairs, who stated, “Chatham County’s unique and beautiful rural vistas are to be protected and promoted as they can’t be outsourced or replicated anywhere else.” He stated that we really showed well to people visiting from around the State. One of the reasons is what leadership has done over the last forty years here in protecting those areas.

Larry Ballas, 139 Indian Creek Lane, Apex, NC, stated that he feels the bookmobile is important and hopes innovative ways of saving it can be determined and suggested that books might be voluntarily delivered to those who need them if they cannot get to a library. If we can’t do things in the old ways, we have to become innovative in the new ways. He spoke regarding the school budget stating that they knew they could save a million dollars, they just chose not to do it. He stated that he doesn’t particularly care to pay increased taxes to something that he knows can be saved already in the form of one million dollars and he hopes that the Board will consider that in their future budget. He reemphasized that it is very important to realize during the negotiations between Chatham County and the Cary Town Council that we do not want the availability of satellite annexation to occur. It has to be contiguous to the Cary Town line now. There are two types of people in eastern Chatham County that want land development in a certain way, either not to have land development and to keep it as it is or for those who want Cary to come up. A lot of those people are not contiguous with the Cary Town line. The Board of Commissioners, in their negotiations, will need to be very careful in how they approach it. Otherwise, we are going to have a lot of dust bunnies forming. There will be Cary in certain parts of the County and Chatham County surrounded by certain areas and it will create a lot of problems.

Jim Gard, 56 Mossy Lane, Chapel Hill, NC, speaking on behalf of the people in the northern part of the County who he believes represent the heaviest part of the tax base and he believes would like to have library service there. He stated that there is talk about Briar Chapel eventually putting in a library there which he thinks is a wonderful idea, but obviously will not happen for a few years. In the meantime, there are folks who would rarely be inclined to drive to Pittsboro to use the library due to the cost of gas. He stated that he would like to have the Commissioners seriously consider making the library service more readily available to the northern area of the County.

Elaine Chiosso, 1076 Rock Rest Road, Pittsboro, NC, Haw Riverkeeper and Executive Director, presented her comments to the Board and provided them in their entirety for the record as follows:

“The Haw River Assembly is a grassroots non-profit organization founded in 1982 to protect the Haw River and Jordan Lake. We are based in Chatham County where many of our members live.

We disagree with this proposal to delete the requirement for an Environmental Impact Assessment (EIA) on non-residential, general-use zoned properties. We believe that this requirement for an EIA and its review by the Environmental Review Board (ERB) for “any proposed non-residential project of two contiguous acres or more in extent that disturbs two or

more acres” is an important protection to keep in place. Land disturbance of even 2 acres is quite large in terms of the impact it can have on streams, wetlands, significant natural areas and even for off-site damage to adjacent properties.

The process of doing an Environmental Impact Assessment can help both the developer and the county see specific features of a piece of land that should be better protected during the process of development. What is learned when an EIA is done? This ground-truthing done by experts may reveal a forgotten graveyard, a rare plant or animal, a tree that deserves nomination for Chatham’s “Grand Trees”, or even an unrecorded wetland or spring. Discussing these findings with the ERB will often result in a better plan for the property going forward.

That is why it is done, and though it may be an extra step in the development process for creating a new or expanded business it is a very important step. Once streams are muddied or unique natural areas destroyed it is too late to bring them back. This one step in the planning process is a powerful tool to make sure the development occurs in the best way for Chatham County.

We are also concerned that this public hearing was held during the day when the majority of residents cannot attend due to job obligations. We request that you re-schedule this public hearing to a later date in the evening so that all interested Chatham citizens have an opportunity to attend without jeopardizing their job security.”

COMMISSIONERS’ PRIORITIES

Board of Equalization and Review: Approval of a request to appoint Judith Petersen as the Board of Equalization and Review Chair

Tom Glendinning, 160 Eddie Perry Road, Pittsboro, NC, stated that this item is out-of-order. The Board of Commissioners has appointed members to the Boards and Committees who operate by the same rules that the Commissioners do, Roberts Rules of Order. The Boards choose their own chair. He stated that he doesn’t know how the item was put on the agenda nor who brought it. It is out-of-order unless the Commissioners wish to modify the rules by which the County operates. He stated that he didn’t know where it came from but if it is supported by staff, then he severely questions the willingness of the staff to operate by the charge of the Board of Equalization and Review which is put there for supervision and review of appeals. He asked that this be put back into the Board of Equalization and Review for electing its own chair.

Tina Stone, Chatham County Tax Administrator, explained that she requested that this item be placed on the agenda based on General Statute 105-322 (County Board of Equalization and Review) which states that the Board of Commissioners shall also designate the chairman of this special board.

Chairman Bock asked if the Board had been consulted about this appointment. Ms. Stone stated that she had emailed each of the E & R Board members for their input, everyone responded, and was happy with the selection.

Commissioner Kost moved, seconded by Commissioner Cross, to approve the request to appoint Judith Petersen as the Board of Equalization and Review Chair.

Mr. Glendinning stated that he was unaware of the statement in the regulation in the Statute.

The Chair called the question. The motion carried four (4) to zero (0).

PLANNING AND ZONING

Chairman Bock explained that Item #15, Revisions to Text Amendments to Section 11.3 and 10.3 of the Zoning Ordinance, seems to be getting the most attention particularly since the public hearing is being held in the afternoon instead of at the night meeting. He stated that normally that meeting would have been held in the evening; that when all of the meetings were moved to night meetings, they received a lot of feedback from many people telling them that they were being inconsiderate to senior citizens who could not attend the meetings in the evening; that when they wanted to have input into something, they were being excluded; that he

doesn't feel that there is any time of day that makes everyone happy; however, in this instance, his idea is to hold the public hearing in the afternoon and also schedule it on the next agenda for the evening meeting in order to give more people an opportunity to speak.

Commissioner Kost asked if that would be the new procedure, to hold two public hearings on zoning, subdivisions, or watershed or any major regulations, heretofore. Chairman Bock stated that it would be done on a case-by-case basis.

Legislative Hearings:

Revision to Text Amendment to Section 15.5.6 of the Zoning Ordinance: Public hearing to receive public comments on a request by the Chatham County Board of Education for a text amendment to Section 15.5.6 of the Chatham County Zoning Ordinance, Signs Permitted in Any Zoning District, to allow up to two (2) signs for each street abutting the lot or one (1) such sign not exceeding 64 sq. ft. in area

Jason Sullivan, Planning Director, explained the specifics of the request, submitted by the Chatham County Board of Education, for a text amendment to Section 15.5.6 of the Chatham County Zoning Ordinance to allow up to two signs for each street abutting the lot or one such sign not exceeding 64 square feet in area.

He stated that there was an issue with Pollard Middle School which was discussed with the school system to address the sign which currently exceeds the 32 square foot threshold. He stated that this was a text amendment that would apply to the zoned areas of the County and would apply to the church, community, or public buildings.

Commissioner Kost asked for an explanation to allow up to two (2) signs for each street abutting the lot or one (1) such sign not exceeding 64 sq. ft. in area.

Mr. Sullivan explained that the intent is that it would be a total of 64 square feet either between the two signs or for one sign.

Commissioner Kost asked how the Briar Chapel sign was out-of-compliance. Mr. Sullivan replied that it exceeds the 32 square foot limit.

Robert Logan, 369 West Street, Pittsboro, NC, stated that when the sign was designed, it was developed to be one sign and that it would be in compliance with the sign ordinance. It is two different types of signs, one is a standard identification sign and the other is a digital sign which has information and changes according to when the school desires to change it to get out information to the public. The two signs are attached. It was designed and intended to be one sign; however, because of the size of the signs, one is smaller than the other. One meets the ordinance and one is a little larger. If you look at it as one sign, it's ok. One suggestion to bring the sign back into compliance is the language that is indicated. He stated that if they could not get some relief on the size of the sign, it would be an expensive proposition to change the sign, as one of the signs is a digital sign and it would be very costly to change it.

Commissioner Kost asked the total square footage of the sign assuming it is one sign. A member of the schools stated that it was out of-compliance no matter if it was one sign or two signs. Commissioner Kost asked how that happened.

Mr. Logan stated that it was submitted along with the other permitting for the building. At that time, it was approved and he is unsure if there was a misunderstanding about the size of the sign that was submitted for permitting.

Randy Drumheller stated that it was part of their building package for permits. Although ignorance is not an excuse, he stated, they did not buy a sign permit. They bought a building permit thinking that anything that was in the drawing was approved.

Jim Elsa, Planning Board Member, stated that as he reads the language, the problem is not solved with the language. He asked why they didn't apply for variance. He stated that they have variances for one-time cases where there is a mistake made. He stated that he was unsure, because of the language, what was allowed.

Chairman Bock asked if the two signs together fall under 64 square feet.

Mr. Sullivan stated that the issue was how the signage is measured. He stated that they were not looking at the entire surface of the brick. They are looking at the area where the lettering is on the sign. They look at the message of the reader board itself and where the lettering is on the sign, not the entire supporting structure for the sign. But it still exceeds 32 square feet.

Chairman Bock questioned the size of the sign as opposed to the size of the lettering.

Commissioner Kost agreed, stating that she would like that looked at, as the measuring should probably be the entire sign. She also asked why we didn't do a variance on this as opposed to going back and changing the regulations.

Mr. Sullivan stated that they would have to show that they could meet the standards for a variance and he feels it will be extremely hard in this situation. He read the section from the ordinance.

This matter was referred to the Planning Board.

Commissioner Kost asked if this item should also be sent to the Appearance Commission since it is dealing with signs. Mr. Sullivan stated that that would not be a requirement of the zoning ordinance, but that they would be happy to do so if the Board desired.

Chairman Bock suggested that they invite members from the Appearance Commission in to one of their meetings to hear comments rather than have a separate meeting.

Revisions to Text Amendments to Section 11.3 and 10.3 of the Zoning Ordinance:
Public hearing to receive public comments on a request by the Chatham County Board of Commissioners for text amendments to the Chatham County Zoning Ordinance to delete the requirement for an Environmental Impact Assessment on non-residential, general use zoned properties in Section 11.3 and to add "Telecommunications Towers" in the list of permitted use in Section 10.3 as a correction to an earlier amendment

Mr. Sullivan explained the specifics of the request to delete the requirement for an Environmental Impact Assessment on non-residential, general use zoned properties in Section 11.3 and to add "Telecommunications Towers" in the list of permitted use in Section 10.3 and as a correction to an earlier amendment.

He stated that an Environmental Impact Assessment, as described in Section 6.2 of the Subdivision Regulations and related guidelines, shall be required for any proposed non-residential project of two contiguous acres or more in extent that disturbs two or more acres. A project for which a detailed statement of the environmental impact of the project is required pursuant to NC General Statute 113A-4(2) or 42 U.S.C. 4332 (C) or for which a functionally equivalent permitting process is required by federal or state law, regulation or rule, is exempt from the requirement of this Section 11.3.

The requested language change states that an Environmental Impact Assessment, as described in Section 6.2 of the Subdivision Regulations and related guidelines, shall be required for any proposed conditional use permit that involves two contiguous acres or more in extent that disturbs two or more acres. A project for which a detailed statement of the environmental impact or the project is required pursuant to NC GS 113A-4(2) or 42 U.S.C. 4332 (C), or for which a functionally equivalent permitting process is required by federal or state law, regulation or rule, is exempt from the requirement of this Section 11.3.

He stated that during the February 8, 2011 retreat meeting, discussions on ways to make processes easier for citizens seeking to open a business, the Board voted at this time, to have the requirement for these environmental assessments only apply to conditional use permit application requests and not general zonings.

In a review with a potential cell tower submission representative, it was discovered by staff, telecommunication towers had been left out of the amended 2008 zoning ordinance. This

is to add the use back as described so we can receive applications for new telecommunication towers.

Chairman Bock confirmed that we are currently requiring the assessment; that once we get the assessment, there is nothing we can do with that information to require a developer to change what they are doing. Mr. Sullivan stated that is correct. It is not a regulatory tool for general use zoned districts.

Chairman Bock asked, by making this change, if we were changing any of the buffer zones, we are not changing any other environmental regulations, we are taking out the requirement for an assessment that we can't use. Mr. Sullivan stated that we would remove the requirement for the assessment. All of the other protections and all of the other adopted regulations will still apply to the site. The main way this can be used in a general use zone setting is if a developer meets the criteria, they can use it to their own purposes, but it is solely up to the developer as to whether they want to modify their site layout.

Chairman Bock confirmed that they could still do an environmental assessment if they choose. He stated that he felt that was important as a lot of the emails he is getting are saying that by making this text amendment, they are endangering our water and air and weakening our environmental protections. In fact, he stated, it was his understanding that we are taking out a step, that we are forcing people to gather information, pay for information, and then it can be put on the shelf. This falls into the category that he feels is making life easier for folks and taking out those things that don't have a demonstratable benefit.

Commissioner Kost referenced Chairman Bock's comment, "We have a requirement we can't use." She stated that when a developer does go through this process, they identify environmental sensitive areas. We do use the information. They do not have to require it but that's the whole way planning works. The regulations don't spell out exactly everything. It's a give-and-take type of situation. Typically in subdivisions, we have been able to use this information and do it very effectively and work through the Environmental Review Board and the developers to make very positive changes to subdivisions. She stated that she understands this is commercial, but again we are changing regulations that have never been tested.

Caroline Siverson, 5560 Castle Rock Farm Road, Pittsboro, NC, stated that she has been a resident of Chatham County for twenty-seven years, served on the Planning Board in early 2000's, and is presently serving as a board member on the Chatham County Citizens for Effective Communities (CCEC) for which she is speaking today. She presented her comments to the Board and provided them in their entirety for the record as follows:

"CCEC commends this Board of Commissioners for your stated commitment to open and transparent government, and for your promise to hold your meetings in the evenings so that most citizens can attend. Until now, you have abided by this promise. We are therefore very concerned that you have chosen to schedule this public hearing during standard work hours.

We are not aware at this time of a rush on commercial developments; therefore, we question the timing of this public hearing today. We request that you postpone it to an evening time to allow all interested Chatham Citizens the opportunity to speak about their concerns.

CCEC is opposed to this "text" amendment, which remove safeguards of our streams, rivers, and natural resources. You have repeatedly stated your commitment to protecting the environment. You assert that the current review process slows down and inhibits commercial development. But commercial and residential projects that were permitted before the current process was in place remain unbuilt.

You have questioned the value of the Environmental Impact Assessment and its review by the Environmental Review Board. You have asked, "Why have it if it has no regulatory power.

We ask:

Why wouldn't you want to know all the potential impacts of any projects that disturb two or more contiguous acres.

Why wouldn't you want to know the effects of a project on adjacent properties?

Why wouldn't you want citizens to know the impacts a project might have on their community, their streams, their rivers, and their lake?

Why wouldn't you want a developer to know the impacts their project might have on our natural resources?

The current review process has proven to be very effective in identifying and evaluating potential environmental impacts. The County has worked with developers to implement mitigation strategies to minimize environmental damage. Better developments have resulted.

Why wouldn't you encourage and enable developers to do the right thing and ultimately create better projects?

CCEC sincerely hopes that as you consider the elimination of this effective and important safeguard of our natural resources, you will ask yourselves why wouldn't you want all of the pertinent, expert information available to help you make critical decisions that affect the citizens and communities you are charged to serve and protect."

Diana Hales, 528 Will Be Lane, Siler City, NC, presented her comments to the Board and provided them in their entirety for the record as follows:

"I speak in support of keeping the requirement for an Environmental Impact Assessment on non-residential, general use zones currently required by Chatham County Zoning ordinance, Section 11.3. I also speak in support of retaining the county's Environmental Review Board as a brain trust working on behalf of this county's future.

Requiring an Environmental Impact Assessment helps a developer better understand what is actually on the property involved in a development, how it will be impacted by land disturbance, and what natural and human communities will receive the resulting actions over time. A development is never isolated. Other property owners surround every development. Their rights and uses of their land are also affected.

We should be concerned about the avoidable damage to rivers, streams, and in the case of the Haw River, Lake Jordan, too, when poor development practices accelerate erosion and wash sediment into public trust waters. Sediment has built up on the bottoms of our streams, rivers and Lake Jordan, a drinking water supply many are depending on. Here in Pittsboro there is the egregious example of Ricky Spoon Developers who had to be fined and then sued by the State for his scoff-law attitude for 3 years in allowing silt-laden stormwater to run off from the Bellemont Point Property near Hwy. 15/501 into Robeson Creek. Is he truly an exception to developers cutting corners? Every preventable bad practice has long-term consequences for both drinking water quality and quantity in this and surrounding counties. Perhaps if Pittsboro ordinances had required an Environmental Impact Assessment for Bellemont Point, this problem could have been prevented.

Chatham County should keep its current Zoning ordinance requiring an Environmental Impact Assessment for a 2-acre disturbance. You have one compelling reason right now. According to the March 10, 2011 *Chatham News*, Mr. Bobby Branch of Sanford has proposed to develop a 2,700 acre tract that would include a private landfill and commercial complex on unzoned land off NC Hwy 902 in Bennett. Since his plan is in a preliminary stage, this is the perfect time for the developer to use the current requirement of an Environmental Impact Assessment to help think through this project.

The North Carolina General Statutes do not require an Environmental Impact Assessment for private landfills. A state EIA is only required for landfills built with public funds or using public land. Yes, there are permitting requirements the developer would need to meet through the Department of Environmental and Natural Resources' Division of Waste Management. However, the county stands to lose a precious one-time opportunity to thoroughly review the environmental impacts on this entire project area and surrounding property owners. If Mr. Branch takes the landfill off the table and concentrates instead on the other industrial and commercial uses he has proposed, wouldn't you as our County representatives want to guarantee best practices in land disturbance, and preservation and mitigation of natural resources involved?

The best way forward is to keep the Environmental Impact Assessment a part of county ordinances.

Finally, I implore you to keep the Environmental Review Board in the picture to review, comment, and assist in the Environmental Impact Assessment process. Chatham has the distinction of having highly educated specialists in water, biological, agricultural and soil sciences serving as volunteers on the Environmental Review Board. The Planning Department staff does not possess the range of knowledge or training in all of these applied sciences. I personally know some of the members of the ERB and am struck with their commitment to ensure a better future for the children and citizens of this county.

The county needs commitment by knowledgeable people who know what best practices accomplish and why they are needed. Keep the Environmental Review Board.”

Timothy Keim, 93 Cynthia Lane, Pittsboro, NC, stated that he would like to second what Diana Hales said in support of the Environmental Review Board and also of keeping the environmental assessment for these matters. He stated that he notices the Board is considering reducing the buffers for Chatham County streams and creeks. He asked questions regarding the proposed action: Do we know what the carry capacity of Chatham County is? How many people can reasonably live in Chatham County and safely use our water resources? Do we know this number? How much water do we have in the aquifers beneath Chatham County to supply our burgeoning population? Do you know how many of our creeks and streams are already polluted beyond state standards? The answers are that we do not know how many people can safely live in Chatham County and use our water resources. No one has even tried to answer that question, as far as he is aware. Not even our North Carolina state hydrologist has even more than a general knowledge about the ground water beneath Chatham County. At present, the major tributaries of Jordan Lake, New Hope Creek, and the Haw River are too polluted to meet state standards. This means that a majority of the streams that feed into our main drinking water sources are also too polluted to meet state standards. The Rocky River is dying a quiet death because of the failure of municipal and state leadership. These waters are the foundation of our community health and economic vibrancy. If we reduce our protection of these waters by gutting these regulations that protect them, we will be committing economic suicide. Companies with good jobs don't locate to areas where bankrupt chicken plants spew pollution into its waters. Good jobs don't locate to areas that have not demonstrated reasonable stewardship toward their natural resources and a high quality of life. As a good example, recently Microsystems out west was faced with closing a plant either in northern California or in Portland, Oregon. They polled their employees and got this response: Northern California employees were willing to move to Portland because of a high-quality of life. The Portland employees were not willing to stay with the company if it meant giving up their quality of life that they have in Portland. Guess where the jobs stayed and where the money stayed? It stayed in Portland because of their good quality of life. The good jobs that you are hoping to attract in Chatham County will not come here if you reduce the protection to our already polluted water resources. When municipalities neglect the foundations of their prosperity, their water resources, they decline economically and people leave. Who is going to be held responsible? The elected officials will be held responsible.

Randy Voller, 21 Randolph Court, Pittsboro, NC, presented his comments to the Board and provided them in their entirety for the record as follows:

Thank you for holding a public hearing on the regulations that we have in Chatham County regarding riparian buffers and the protection of our intermittent, ephemeral blue-line streams. I hope you would be willing to hold a few more of these hearings to offer the citizens and stakeholders of our communities an opportunity to be heard and to participate in the process.

Doing so would be in line with the wise words of our current Chair Brian Bock who stated to the Indy that “public policy be based on mutual respect and justice for all people, free from discrimination or bias”. And “That all citizens regardless of political affiliation, race, or economic situation are allowed and encouraged to be involved in decision making at all levels, including needs assessment, planning, and implementation.

These are important ideals and very much in line with “common sense government”.

Protecting our water and improving its quality is not only a smart investment but also what we need to do to ensure that we have good quality drinking water.

It may be a coincidence, but the Town of Pittsboro had its worse problems with producing high quality drinking water from the Haw River at precisely the same time frame our County and others in the Haw River Watershed were clear-cutting and allowing point source and on-point source chemicals and organic compounds to overwhelm the ecosystem of the Haw River.

The taxpayers have spent hundreds of thousands of dollars ameliorating this problem. The simple solution is to let nature do it for us and be wise stewards of our watersheds so we do not foul the rivers nor the lakes. As we created better policies and the marketplace stopped supporting sprawl development, the water quality slowly improved.

As the Mayor of Pittsboro and Chair of the Triangle Area Rural Planning Organization (Orange, Chatham, Lee, and Moore Counties), I respectfully ask that the Board heed the words of its chair Mr. Bock who stated that “we need to be very careful to ensure that we strike a healthy balance between protecting the natural rural beauty of Chatham and the proper amount of infrastructure”.

Our infrastructure needs are in the municipalities and a healthy balance requires us to be vigilant and wise about our most precious resource: water.

I have qualitative and quantitative data that I will submit to the board.

1. The economic value of open space.
2. Recent actions the Town of Pittsboro has taken regarding recurring violations of DEHNR land disturbance permits in the Town.
3. Data from the Town of Pittsboro indicating the quality of its processed water over the past 10 years.
4. Other pertinent information.

Finally, Chairman Bock stated that “.....in the name of social justice and common sense, affected landowners need to be involved in developing the policies and if decisions have a negative impact on landowners, those landowners need to be justly compensated.”

I hope we can see both sides of that equation for when our County’s resources are not protected, we all suffer and no one will be present to pay the bill.”

Larry Ballas, 139 Indian Court, Apex, NC, presented his comments to the Board and provided them in their entirety for the record as follows:

“The intent of the rule change is to make it easier for small business to open and function in Chatham County and still be able to work at a profit.

Environmental impact assessment for conditional use permits by a developer as might be suggested by the planning board is a good thing. For general use, not so good.

Do we, as a County, need to be so restrictive with our rules of development that we chase honest folks away from our goal of allowing any business to be attracted to Chatham County? Why then, did we take around a year to decide what type of non-polluting business would be attracted to and fit our communities. Do we need strict, no wiggle room rules to attract the types of business we desire?

The reality here is that environmental considerations are always at the forefront of any development regardless of its size. Ways of doing development, even for business, are always being improved to satisfy the most critical of us.

However, let me ask this question. How many of us today are using this light bulb in their own house or business? These have been available for a while now and are a small way for all of us to improve our environment. But how many of us use them? Probably not many of us. We don’t use them now because we are not forced to use them by some rule. But in the future,

we will have that rule. So why don't we use them now? Oh right, I forgot. They cost a lot more than incandescent and they contain mercury.

A common sense approach to the environment many times is lacking so we have to make up rules. For instance we got a lot of complaints about a route 64 superhighway being built through Chatham County for reasons that it will cause more traffic and more pollution, destroy the beauty of our land, and other reasons related to today's visions, not our future visions. But if we critically look down the road we find that in 25 years or so when the highway will be built, cars will not be polluting or at the worst, not anywhere as polluting as today's cars.. We even have new tires available today that are much less polluting than regular tires, but they cost too much so no one wants them. So our decision to not support this road were environmental based on today's reasons of car pollution and not the future position that cars wont pollute in 25 years. Common sense was neglected. (As far as beauty goes NC has won numerous awards for the highways that they have built, and those roads do bring economic advantages to those places that have them. Of course there are some that are not so pretty which emphasizes the fact that public input is important during the whole process.)

Well the same common sense approach should go for the land use. It should not be so restrictive that future potential investors in Chatham County do not want to invest their money in us, even small business. The future of development will not need rules to tell it not to pollute. The present day's rules do not look any farther than today. The future is what needs to rule. Do we think a business person wants to build something that pollutes? No one would support or use it. We need to use the technology that will lead us into the future and not a rule that restricts any incentive for the future. Common sense will dictate that.

Let me suggest that individuals here look at their own property first and if they find that they are an environment challenge to the rules we now have then they fix their area first rather than restrict what may be a good plan from someone else and offer a distinct advantage to the development of Chatham County. No one who is just a landowner in Chatham County contributes enough tax wise to what the county needs. We need business to afford ourselves.

What do we have a planning board for if we write rules so inflexible that even they cannot have a discussion of how to make a project work better or be better. We already have restrictive rules about setbacks from roads, setbacks from stream beds, set backs from something that could be a part time stream route. We have rules about the type of air that leaves the structure. We have rules about a lot of things that impact small business developments without an environmental impact study. We do have a planning board. Lets trust them enough to make the right recommendations and decisions about projects and not take innovation out of their hands, or the commissioners hands or most importantly, the citizens hands by making inflexible rules.

It seems with all these rules we have that it will become very difficult to make Chatham County a business competitive county. I thought we all agreed that Chatham county had a real advantage for economic development being located between the Triad and the Triangle. I thought our initial economic goal was to be the glue linking those well known economic centers by attracting business to us. If that is our goal, then why are we so restrictive. If that is our goal, then why have we failed to attract development. Why do we only attract bedroom communities? If we really wanted to be competitive economically we would have rules such as that we would have a waiting list of companies and small business wanting to locate here in Chatham County. It is also my opinion that when attracting from outside our county or developing within our county that common sense would and should be rule. And that means flexibility.

Listen, none of us want to pollute, but we do. We all care about the environment in our own ways. We are a pretty darn clean county. A lot of our pollution that is measured in Chatham County comes from outside Chatham County. Our rules wont stop that. The Chatham county line is not that restrictive.

Yes, we are a clean county and we can stay that way with common sense, not rules that restrict the most important future of our lives and our counties future. That future is common sense economic development. That future is what took us a year to decide the direction we want to travel.

One final point. If all we as a community want to do is look to the future to try to figure out what we want we will never move forward. We have a plan for economic development which looked to the future. Lets implement it now. Lets get rid of the restrictions. Lets implement common sense.

If the approvers of the rules in Chatham county really believe that the people of Chatham county need restrictive rules, that they cannot decide for themselves, with some guidance, how to work with the environment, that there are no good developers, that there can be no innovation unless approved by a rule, then we are in a pretty sad way.

You know, all these different government bodies create rules to make something work better or limit something and then they vote on an exception to the rule when asked. It never fails that when a government body is pressed to do the right thing, common sense floats to the top.”

Sonny Keisler, 3006 River Fork Road, Sanford, NC, presented his comments to the Board and provided them in their entirety for the record as follows:

“I am here today to oppose the text amendments that eliminate Environmental Impact Assessments for non-residential general-use zoned properties. I urge the Board to keep current environmental assessment requirements and to provide more staffing so they can effectively and effectively implemented.

The reason for this is simple. According to the best science available, here in Chatham County ... here in North Carolina ... here in the United States and ... and all around the world, natural systems that have supported civilization for the past 12,000 years are collapsing. For example, all around the world ice is melting...coral reefs are collapsing...bird populations are declining,...fish populations are declining,...amphibian populations are declining,...tropical rain forests are declining,...oceans are becoming more acidic...all around the world we are experiencing the sixth great mass extinction of life on planet earth and this includes Chatham County...the Rocky River, the Haw River, the Deep River, the Cape Fear River and all parts in between.

The well documented decline of water quality in the Rocky is one example of this general worldwide ecosystem decline. As Margaret Pollard – the former chair of the Chatham County Board of Commissioners – and as a person who grew up along the river observed a year before she died...“few people will swim or wade in the Rocky River anymore”.

Because of ecosystem decline in Chatham County and the world at large, we should be redoubling our efforts to strengthen environmental protections in Chatham County, in North Carolina, in the United States and in the entire world. However, what is happening is a dismantling of environmental protections by newly elected Republicans in Chatham County, in Raleigh and in Washington, DC.

You need to be governing like those famous Republican Presidents ... Theodore Roosevelt and Richard Nixon and become the champions of environmental protection. You also need to be governing in the manner of John Locke and be empiricists. In this regard you should open your eyes and make public policy decisions based on the best science available and not on the basis of one ideology whether it comes from the John Locke Foundation in Raleigh or the Sierra Club in San Francisco.

Thank you.”

John Alderman, 244 Red Gate Road, Pittsboro, NC, stated that he had been a Chatham County citizen for nearly thirty years and that he is a businessman who works mainly with large corporations, the largest state and federal agencies in the country in the eastern half of the United States. He stated that one way of looking at what the Board is imposing is that they are reducing the amount of knowledge that is available. The people who hire him, the largest corporations in the world, hire him because of his knowledge. We need to make sure that we have as much information, about anything that goes on in Chatham County, as possible. From a personal standpoint, he can locate his main office anywhere in the country. He has chosen to be in Chatham County and have his business in Chatham County. It could just as easily be in Washington, DC or in Florida or far west as Oklahoma. He chose Chatham. From a personal

standpoint, he is extremely tired of continuing to go out in the creeks and rivers of Chatham County and be the last person to have seen species "X" and species "Y" in another stream. He knows them as someone else would reach out and touch a person in church and shake their hand. He knows these species that are disappearing in Chatham County and elsewhere. He is tired of being the last professional biologist to see this species in the Haw River, another in the Rocky River, another in the Deep River, and all the tributaries. He is seeing this all over the state. The corporations he works for will not have an interest in Chatham County in the future if we keep losing our natural resources. The Board is not receiving this information cycled through a bunch of bureaucrats in Raleigh or in Washington. This is directly from the horse's mouth. He knows these animals the same as others know their mother's name. These animals disappear with time and are going too quickly. We can't afford to water-down the regulations we have in Chatham County. He recommends putting an end to this kind of discussion. Let's protect this County for the businesses that exist here and the good businesses that will come later and for the citizens of Chatham County.

Elaine Chiosso, PO Box 187, Haw River Assembly, Bynum, NC, Haw Riverkeeper and Executive Director presented her comments to the Board and provided them in their entirety for the record as follows:

"The Haw River Assembly is a grassroots non-profit organization founded in 1982 to protect the Haw River and Jordan Lake. We are based in Chatham County where many of our members live.

We disagree with this proposal to delete the requirement for an Environmental Impact Assessment (EIA) on non-residential, general-use zoned properties. We believe that this requirement for an EIA and its review by the Environmental Review Board (ERB) for "any proposed non-residential project of two contiguous acres or more in extent that disturbs two or more acres" is an important protection to keep in place. Land disturbance of even 2 acres is quite large in terms of the impact it can have on streams, wetlands, significant natural areas and even for off-site damage to adjacent properties.

The process of doing an Environmental Impact Assessment can help both the developer and the county see specific features of a piece of land that should be better protected during the process of development. What is learned when an EIA is done? This ground-truthing done by experts may reveal a forgotten graveyard, a rare plant or animal, a tree that deserves nomination for Chatham's "Grand Trees", or even an unrecorded wetland or spring. Discussing these findings with the ERB will often result in a better plan for the property going forward.

That is why it is done, and though it may be an extra step in the development process for creating a new or expanded business it is a very important step. Once streams are muddied or unique natural areas destroyed it is too late to bring them back. This one step in the planning process is a powerful tool to make sure the development occurs in the best way for Chatham County.

We are also concerned that this public hearing was held during the day when the majority of residents cannot attend due to job obligations. We request that you re-schedule this public hearing to a later date in the evening so that all interested Chatham citizens have an opportunity to attend without jeopardizing their job security."

Carol Hewitt, 424 Johnny Burke Road, Pittsboro, NC, presented her comments to the Board and provided them in their entirety for the record as follows:

"On Saturday in Silk Hope there was an Economic Development Summit attended by 135 folks from throughout Chatham and beyond. Brian was there for a while, as was Sally, and it was a very informative session.

We heard from Linda Carlisle, who reports to the Governor of NC, from economists and entrepreneurs, and reporters from radio, newspapers and an online Business Journal.

One message they all agreed upon was that Chatham has a very positive reputation, which is why people come as tourists and spend money here, why they move here, why they start businesses here, and why they would bring their industry here.

What we heard was that Chatham has a reputation as a county that cares about sustainable agriculture, about its rural culture, and has great pride of place. Linda Carlisle uses us as an example when she travels around the state. The press talks about us as a county that cares about these issues. We are known to have an environmental sensibility that attracts clean businesses. If they want to destroy our land, rivers, lake, just to make a buck, they should go elsewhere.

The EDC has a marketing and tourism committee, and these are the issues they're working on, and this is a reputation I hope you will not now take steps to tarnish.

Right now you "require an Environmental Impact Assessment on non-residential properties." Are you sure that no one reads them and they have no value? That is not what we have heard tonight.

When you make decisions about relaxing zoning regulations, and loosening environmental guidelines you actually make the EDC's job harder.

What we learned on Saturday is that people come here *because* we have these kinds of regulations.

Ask yourself - will this decision attract people that want to come, set up a clean business, and stay and help build a resilient local economy? Businesses that care, and whose owners and management choose to live here, and that will stay. Look closely. Are we bringing in businesses that really care about Chatham, not just making a profit that then *leaves the county* to a headquarters and shareholders in some other county?

Mark and I have run a successful business here for 28 years. We chose Chatham. We have helped many other businesses get started here. Our employees have gone on to start their own businesses. We ask you not to eliminate these assessments at this time.

I would ask who are the businesses that want this changed? Why is this coming up today? Are they the kinds of businesses we really want to attract to Chatham if they do not care enough to at least look carefully at how they will impact our land, our lakes, rivers and streams?

The Haw River is so much cleaner now because of the dedicated work of the Haw River Assembly. When we first moved here the Haw was not fit to swim in. Now it is one of our recreational and ecological treasures. But that takes constant diligence by hundreds of members and volunteers. Elaine Chiosso is highly respected for the work she does. You would do well to listen very carefully to everything she has to say. Your children and grandchildren will thank you for doing this.

When you take steps to change text like this in our county regulations you send a message that you do not respect our county, its lakes and rivers and streams, and the importance of thoughtful environmental safeguards. *Please be very careful here.* All too easily, in your rush to *change* things, you can do *much more damage than good.*

Thank you very much and for your service to our county."

Liz Cullington, 390 Rocky Hills Road, Pittsboro, NC, presented her comments to the Board and provided them in their entirety for the record as follows:

"I understand the Board's aim to make it easier for people to open a business in the county. However, there can be unintended consequences to making a broad exemption as stated here. You cannot make one set of rules for people living here who want to start businesses, and another set of rules for oil companies, trash companies, and Wal-Mart any more than you can make one set of rules for republicans and another set of rules for democrats. While the desire may be to benefit local residents wishing to start up a business, it would equally apply to individuals or companies wanting to site a project here.

1. The size of the project is not necessarily an indication of a small impact. This is not just about how much soil is disturbed but what the project is going to be.
2. The Board has the option of not making an Environmental Impact Assessment mandatory, but reserving the right to require one, either at the request of the Board, or at the request of neighbors, or others who can demonstrate a potential impact requiring an assessment.

3. So I think the proposed change in language is wrong because projects under 2 acres shouldn't be completely exempt in the first place, but should be subject to an assessment if there's an indication of potential impacts.
4. As to the change proposed here, there seem several issues that are confusing or troubling.

I am concerned that the public is not fully informed about this issue, or the differences between projects requiring a conditional use permit and those that don't.

Secondly, the wording seems to indicate that large projects requiring an environmental impact statement, or merely a state permit, can submit their own environmental assessment.

Right now there is an issue with a proposal to build several landfills near Bennett. That would require a state permit. Thus it would appear that the Board would remove any requirement for any independent review by the County.

If the lack of zoning in that area means that the county has no say so, bear in mind that other similar projects could be coming.

So I urge you to continue this hearing to an evening meeting when more people can attend and be heard, and have these issues addressed by the planning staff."

Emily Lancaster, 1000 Jay Shambley Road, Pittsboro, NC, presented her comments to the Board and provided them in their entirety for the record as follows:

"I appreciate your accepting public input on this issue. I also fully support Chairman Bock's idea of holding both a daytime and evening hearing for issues such as this, which will affect all citizens in the County. I would have much preferred the evening hearing which was just announced as I was obliged to take off work to speak today.

I am speaking against the text amendment that would eliminate the Environmental Impact Assessment. Like the gentleman who spoke before me, I am one of a growing number of professionals with a great deal of flexibility in their location. As the southeast representative of a national nonprofit I could live in any number of places. I chose to live in Chatham County because of its rural beauty, cultural wealth, high quality of life and respect for its natural resources - all of which I sincerely hope continue to be a priority for this board.

I understand the need to attract businesses to Chatham County. I also understand the "give and take" that is part of this process. But as a citizen of the County I want to know that we are not giving more than we take. If we sacrifice our environmental quality and our abundant natural resources we endanger not only our quality of life, but future economic opportunities. All new projects have *some* environmental impact. For me, the biggest question is, why would you *not* want to know what it is?

The environment does not follow property boundaries. Someone else's actions on his or her property can impact my rights to use my property as I see fit. In my view, requiring an Environmental Impact Assessment and its review by the Environmental Review Board protects me as a property owner and taxpaying citizen of Chatham County. As I understand it, the new board majority campaigned on protecting our environment and our private property rights. With all due respect, the proposed action does neither. Thank you for your time."

Commissioner Kost moved, seconded by Commissioner Cross, to continue the public hearing on the revisions to Text Amendments to Section 11.3 and 10.3 of the Zoning Ordinance until April 18, 2011, 6:00 PM. The motion carried four (4) to zero (0).

Rezoning by Rocky McCampbell: Public hearing to receive public comments on a request by Rocky McCampbell to rezone approximately one acre of a 4.03 acre tract located at 1115 Mt. Carmel Church Road, Parcel #64812, Williams Township, from R-1 Residential to Conditional Use Neighborhood Business (CU-NB)

Mr. Sullivan explained the specifics of the two-part request to rezone approximately one acre of a 4.03 tract located at Mr. Carmel Church Road from R-1 Residential to Conditional Use Neighborhood Business and a separate request for a conditional use permit.

Brenda R. Goodrich, 1175 Mt. Carmel Church Road, Chapel Hill, NC, stated that she has lived in Chatham County for almost 48 years and lives adjacent to the property. She stated that she didn't want a dog grooming business to evolve into a kennel with dogs barking in her bedroom window. The traffic on Mt. Carmel Church Road between Jordan Lake and the university has the bicycle route which is so congested. Then there are Food Lion and the Governors Club which already lends to the traffic problem. It takes her at least ten minutes to get out of her driveway now. She stated that it concerns her that she doesn't know where, the limitations, and if it could later be rezoned to a grooming and boarding facility. The congestion on the road is already bad. She stated that she does not have a dog and doesn't want to listen to dogs, to keep her up at night, no more congestion, and she is totally against the proposal.

Evidentiary Hearings:

Conditional Use Permit by Rocky McCampbell: Public hearing to receive public comments on a request for a conditional use permit by Rocky McCampbell on Parcel #64812 located at 1115 Mt. Carmel Church Road, for a dog grooming business on approximately one acre

The Chair administered the oath to those in attendance who wished to make public comments for the conditional use permit by Rocky McCampbell and for the revision to existing conditional use permit for Windsong Muse, LLC.

Rocky McCampbell, 11310 Governors Drive, Chapel Hill, NC, applicant, presented a PowerPoint describing the dog grooming facility, a description of use, landscape plan, and findings. He stated that a dog grooming facility at this site will result in very little change to the aesthetics of the neighborhood. The facility will offer the surrounding community with a unique and convenient service. He stated that they have twenty years of successful dog grooming business history in Cary, NC (Pretty Paws, Inc.) and that he has over forty years of building construction experience.

Mr. McCampbell answered questions from the audience.

Mr. Sullivan read the following statement/question asked by Planning Board Philip Bienvenue who could not attend the meeting:

"The Rocky McCampbell request for a dog grooming business is fine except for my concerns I have around Material Safety Data Sheet (MSDS) for Adams Flea & Tick Shampoo product. If you read part 13 of that MSDS it refers to Disposal Considerations. Sub set of that part is "Additional Hazards Information" *Ecological Information, Acute Aquatic Effects: This mixture is toxic to fish. Do not add directly to water. Do not wash animal where runoff is likely to occur*". My question is how does the owner plan to dispose of the spent containers of the tick shampoo."

Mr. McCampbell explained that if they know that there is a product that is going to cause harm, they will not use it. He stated that his wife told him that she does not use the Adams product to which Mr. Bienvenue referred. She uses a product called Elite Flea & Tick Shampoo. They will not use any products that they knowingly think are causing any damage to the environment.

This matter was referred to the Planning Board.

Revision Existing Conditional Use Permit Windsong Muse, LLC: Public hearing to receive public comments on a request for a revision to an existing conditional use permit for Windsong Muse, LLC, on property located at 2490 & 2492 Seaforth Road, Parcel #17475, New Hope Township, to add an additional commercial driveway; reconfigure the use of the smaller, previously labeled two-vehicle garage area for additional recording space; interior parking and travel areas; and relief from the expectations for the generation of renewable energy on site

Mr. Sullivan explained the specifics of the request for a revision to an existing conditional use permit for Windsong Muse, LLC to add an additional commercial driveway to make permanent the construction driveway they have been using since 2007 which will improve access and simplify utility and emergency access. He stated that they wish to configure the layout and use of the approved smaller building, effectively converting a two-vehicle garage into

a one vehicle garage and repurposing the space as a digital audio and video post-production environment. The change preserves the footprint and structure of the approved building and its use falls entirely within the eligible conditional use granted in 2007. Despite this change in function, it will maintain a virtually silent noise profile as the construction is designed to be as sound-proof as the approved main building. They wish to amend their patio and hardscaping profiles as shown in the revised site plan to better integrate the building and the land and to properly integrate the buildings with their now-defined driveway and turn-around plans. All of these changes will fully meet drainage, permeable surface, visual, noise, lighting, signage, and other applicable ordinances and guidelines. They are requesting the revision to grant relief from the expectations that they will generate renewable energy on site.

There was no one present who wished to make public comments.

MANAGER' S REPORTS

The County Manager reported on the following:

Finance Office Software Purchase:

Vicki McConnell, Finance Officer, explained that their software company has developed a major upgrade. She stated that they had not upgraded their software since 1999. They are running into situations, especially the payroll, they cannot handle with the current software. They have been negotiating for approximately three months and have them down from approximately \$130,000 to just below \$100,000. They have the money in the Capital Reserve. It will not come out of the General Fund. She stated that it was a good time for the Finance Office to start implementing this as it cannot be done during audit season beginning the first of July. She asked that the County Manager be allowed to sign the contract and it be done by March 31st.

Commissioner Kost asked why this wasn't put on the agenda with the supporting background documentation. She stated that the rule is that it needs to be placed on the printed agenda if a decision is made.

Ms. McConnell stated that they did not come to that agreement until Friday afternoon at 3:30 PM.

Commissioner Kost asked what harm would be done in waiting until the Board of Commissioners' meeting on April 4th. Ms. McConnell stated that the price would not be there; that it is an upgrade to the general ledger software; and that it does a lot more with payroll with what they can give the public upon request.

Chairman Bock stated that he was not real comfortable doing it this way either.

Commissioner Petty asked Ms. McConnell if she had exercised all of her options. Ms. McConnell stated that she had done everything she could do.

Commissioner Petty stated that the payroll part of accounting is the most difficult to do.

Commissioner Cross moved, seconded by Commissioner Petty, to approve the purchase of the software.

Commissioner Kost stated that she probably supports this, but she can't vote for it due to lack of information. She stated that it was not an issue of trust, but that she is very data driven and would like to know exactly what it does, the improvements, if this is the best software, if it will be able to load account information to the web, and there are a lot of questions, which she feels by rushing it on the agenda, she has no time to get answered and she doesn't feel comfortable voting for it.

The Chairman called the question. The motion carried three (3) to one (1) with Commissioner Kost opposing.

COMMISSIONERS' REPORTS

Discussion on Wells Testing: Discussion and consideration to test wells at the old landfill more frequently and consideration of providing water filtration to residents whose wells may be affected by leachate from old landfill

The Chairman explained that in the old landfill area, there was some ground water contamination from the old landfill. Some of the folks had to move their wells. At this point, the people who live in the neighborhood feel that the County is not testing often enough. Some folks are having to provide water filtration treatments at their cost. He stated that he had been in touch with the people who live in that area to figure out ways to make them more comfortable with their water and their wells. He asked this item to be placed on the agenda for discussion and a commitment from the Board of Commissioners to approve more frequent testing on a quarterly basis for those eight to ten properties in the immediate area that are concerned and then to pay for whatever treatment the folks are currently having to pay for out of their pockets.

Commissioner Kost stated that she supports this, but she has been attending Commissioner's meetings for six years. Six years ago, she heard the Manager talk about going in, mining the landfill, and cleaning it up. She fully supports helping these folks and testing and making sure it is safe, but the larger, looming question is, "What is underground and what do we need to do to fix it?"

Chairman Bock stated that is a question that is not going to be covered in the next nine minutes. He stated that he thinks it is a separate issue from the immediate testing and taking the burden of having these people pay for treatment on their own.

Commissioner Kost asked that that be a follow-up item as we are just treating the symptoms and we need to go to the root of the problem. Chairman Bock stated that he felt it would be best to find out if there is a problem.

The County Manager asked Dan LaMontagne to give a synopsis of what is currently being done. He stated that well-testing is coming up probably in the next month so the frequency would be there. If there are particular issues in the water that cannot be determined that's coming from the old landfill, the question is, "Do we still treat it?"

Dan LaMontagne, Waste Management Director, explained that current testing is being done semiannually which is required by the State. He stated that his recommendation, which is included in the estimated continuation budget for next year, to include the three wells in that sampling so that as we sample the ground water monitoring system around the landfill, we can test those wells to directly compare anything found in the ground water monitoring wells around the landfill with what is found in those drinking water wells to make sure we clearly define what is coming from the landfill or if it's a naturally occurring compound such as what has been found in some of the wells. The filter systems, we can certainly do that. He has looked into the prices and they can be included to maintain those. With quarterly sampling, his concern is that it is not done in relation with the landfill sampling which may be a concern.

Commissioner Cross stated that they needed to be tested and compared at the same time.

Mr. LaMontagne stated that they could all be tested at the same time, but that the requirement is semiannual.

Chairman Bock stated that he was concerned. He didn't know that there is a problem but he knows that there is a problem with perception and the people are worried about their drinking water. If we can let them sleep better at night, at least by a year to eighteen months, do a quarterly testing and then it be scaled back. He wants to make them as comfortable as possible that we are doing what we can to make their water drinkable. He asked if they would now test both on a quarterly basis.

Mr. LaMontagne stated that he recommended continuing with the landfill semiannually and that if the Board would like to test the drinking water wells quarterly, it would be fine. He stated that it would be a great deal of money and not a requirement by the State to test the ground water monitoring wells quarterly. As an option, the ground water monitoring wells, on the up-gradient side of the landfill, could be tested closest to those wells as a quarterly comparison.

Commissioner Kost asked how many residential wells would be tested. Mr. LaMontagne replied, just the three.

Commissioner Kost stated that there were just three of them, so we could do those three quarterly and then do the landfill monitoring wells twice a year.

Commissioner Petty asked if that would give enough basis to compare the two.

Chairman Bock stated that the only problem with that is there may be more than three, not that it is required and it may not be directly related, but from what he has been told, there are eight to ten that would like to have them treated.

Ernest Alston, 772 East Alston Road, Pittsboro, NC, stated that there are definitely more than three wells that they would like to have tested. He knows that Mr. LaMontagne says that water does not run uphill, but he doesn't know what is in the aquifers underground and neither does anyone else. Hydrologists probably think they do, but they do not necessarily know. Initially, if the testing could be done on those wells on the east side of East Alston Road and north of the creek that runs south of the landfill, they would be more than happy and then they could be scaled back.

Chairman Bock asked if there were approximately ten wells. Mr. Alston replied, yes. There are about ten wells that have a direct line to the landfill. Some houses are behind other houses so if the front house is ok, then they would figure that the house behind it would be ok.

Chairman Bock stated that if they could identify those wells, his desire would be that they go ahead and test them on a quarterly basis and then figure out the people who are currently treating their wells. He asked what they are treating them with.

Mr. LaMontagne stated that there are two filter systems that have salt in them which treats them essentially for hardness. It is naturally occurring arsenic which is considered by the Division of Water Quality (DWQ), Aquifer Protection Unit and the Department of Public Health as a naturally occurring mineral and it is being removed by a salt pre-filter.

Chairman Bock stated that it is his understanding that those wells are where they are because they had to be moved due to the landfill. Even though it is not directly caused by the landfill, if it were not for the landfill, they wouldn't have been in those positions.

Commissioner Kost asked if that is known for sure. We know that we moved the wells, but we don't know that they didn't have hard wells before. When we started talking about filtration systems for hardness, she wants to make sure they have safe drinking water for people, especially if we are at fault. She stated that she doesn't think that the County should be paying for filtration systems for hardness as she would love for the County to pick up the tab on hers.

Mr. LaMontagne stated that it was specifically for the arsenic which is a mineral. Commissioner Kost stated that it is probably there in the area no matter what, whether it was moved or not. She stated that she doesn't see how they can support that.

Mr. LaMontagne cautioned the Board that with any additional well sampling away from the landfill, without being able to correlate it directly with the ground water in the immediate vicinity of the landfill, there may be contaminants on people's properties from storage of gasoline or other chemicals that do travel fast in the environment and through to the ground water that they may detect that cannot be associated with the landfill and the State may require them to prove that.

Commissioner Kost asked if they then would have to go back to the quarterly testing of the landfill.

Commissioner Petty moved to do the quarterly testing of the residential tied to the semiannual tests of the landfill. The motion carried four (4) to zero (0).

Chairman Bock proposed that the County pay for the folks who are currently treating their water with the filtration system to remove the arsenic.

Commissioner Petty moved, seconded by Commissioner Cross, to pay for the filtration system for those currently treating their water.

The County Manager asked for clarification if it would be only for those minerals including arsenic or others or for all the systems.

Chairman Bock stated that it was for those currently treating their water in those wells living around the landfill.

Mr. LaMontagne asked if it was those that were the result of our installation of those systems.

Commissioner Kost asked of the three wells moved, if all three have filtration systems. Mr. LaMontagne replied only two of those have filtration systems. Commissioner Kost asked if arsenic shows up in the third one, if a third filtration system is being supported.

Chairman Bock stated that the motion is for the ones that are currently treated. If the third one occurs, there will need to be a separate discussion regarding it.

Chairman Bock called the question. The motion carried three (3) to one (1) with Commissioner Kost opposing.

Staff Bonuses: Approval of a request for County Manager, Sheriff, and Register of Deeds bonuses

Chairman Bock explained that when the Board approved the "Pay for Performance" (PFP) bonuses in December, included in the figures in what they could spend included the County Manager, Sheriff, and Register of Deeds. They did not know the amount. The standard operating procedure has been to give those three positions the average of the PFP payout which has been determined to be 3.9%. Since this was placed on the agenda and discussions have begun, the County Manager and the Sheriff have asked that the Board not consider a raise for them. Therefore, the discussion will be limited to the Register of Deeds.

Commissioner Kost asked when this occurred, stating it would have been nice if they had known this. She stated that she did some homework researching all three positions. She stated that in looking at the Register of Deeds for the surrounding counties, other than Alamance, the Chatham County Register of Deeds is the lowest paid Register of Deeds.

Chairman Bock stated that the normal practice has been to pay the average which is 3.9%. He asked if there was a motion in support of that.

Commissioner Cross asked how the County Manager and Sheriff's positions ranked.

Commissioner Kost stated that with regard to the County Manager, if Durham, Orange, and Wake Counties were removed, the Chatham County Manager was in-line with other surrounding counties. Alamance County was lower. With regard to the Sheriff, Durham, Orange, Moore, and Wake Counties were all higher. The Chatham County Sheriff was average.

Commissioner Cross asked if all three positions ranked just above Alamance County. Commissioner Kost replied, yes. Commissioner Cross recommended that all three positions be treated the same.

Commissioner Petty stated that two have agreed to forego bonuses due to economic conditions. Other departments have been asked to make cuts. Had it been included initially, it would be different, but it was an oversight.

Commissioner Petty moved, seconded by Kost, to forego all the bonuses for the year. The motion carried four (4) to zero (0).

Advisory Committee Appointments: Discussion and action

Chairman Bock asked that the Advisory Committee Appointments be moved to the next Board of Commissioners' meeting on April 4, 2011.

By consensus, the Board agreed.

CLOSED SESSION

In the interest of time, the Closed Session was cancelled and, if needed, will be held at a later date.

ADJOURNMENT

Commissioner Cross moved, seconded by Commissioner Petty, to adjourn the meeting. The motion carried four (4) to zero (0), and the meeting was adjourned at 4:39 PM.

Brian Bock, Chairman

ATTEST:

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