

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
FEBRUARY 18, 2002

The Board of Commissioners ("the Board") of the County of Chatham, North Carolina, met in the Superior Courtroom, located in Pittsboro, North Carolina, at 7:00 PM on February 18, 2002.

Present: Chairman Gary Phillips; Vice Chair Margaret Pollard; Commissioners Bob Atwater, Rick Givens, and Carl Outz; County Manager, Charlie Horne; County Attorney, Robert L. Gunn; Assistant County Manager, Paul Spruill; Finance Officer, Vicki McConnell; and Clerk to the Board, Sandra B. Sublett

The meeting was called to order by the Chairman at 7:21 PM.

AGENDA

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

Commissioner Atwater asked that the Proclamation Honoring Jack Wilkie be moved prior to the Public Input Session on the Agenda.

Commissioner Givens moved, seconded by Commissioner Outz, to approve the Agenda with the noted request. The motion carried five (5) to zero (0).

CONSENT AGENDA

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

The County Attorney asked that consideration of a request to hold a public hearing on March 18, 2002 on the Resolution Authorizing the Filing of an Application for Approval of a Financing Agreement be added to Consent Agenda Item #4.

Commissioner Pollard moved, seconded by Commissioner Givens, to approve the Consent Agenda with the noted request. The motion carried five (5) to zero (0).

1. **Minutes:** Consideration of a request for approval of Board Minutes for meetings held February 04, 2002 and Work Session held February 04, 2002

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

2. **Tax Releases:** Consideration of a request for approval of tax releases, attached hereto and by reference made a part hereof.

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

3. **Refunds on Tax Bills:** Consideration of a request for approval of refunds on regular tax bills paid in error, attached hereto and by reference made a part hereof.

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

4. **Resolution Authorizing the Filing of an Application for Approval of a Financing Agreement:** Consideration of a request to approve a **Resolution #2002-04A Authorizing the Filing of an Application for Approval of a Financing Agreement Pursuant to GS 160A-20b**, attached hereto and by reference made a part hereof; and Consideration of a request to hold a public hearing to receive public comments on a **Resolution #2002-04A Authorizing the Filing of an Application for Approval of a Financing Agreement Pursuant to GS 106A-20b**

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

END OF CONSENT AGENDA

PROCLAMATION HONORING JACK WILKIE

The Chairman recognized elected and appointed officials in attendance, including the Honorable Bob Etheridge, Dr. Larry Mabe, the Superintendent of Chatham County Schools, and Dr. Edward Dunlap, Executive Director of the North Carolina School Board Association, and asked Jack Wilkie to come forward.

The Chairman read the **Proclamation Honoring Mr. Jack Wilkie, Chairman of the Chatham County Board of Education**, attached hereto and by reference made a part hereof.

Congressman Etheridge stated that he had become acquainted with Mr. Wilkie in his official capacity as State Superintendent of Schools where he learned of his deep commitment to education. He applauded his efforts on behalf of the citizens and children of Chatham County.

Dr. Dunlap, stated that it was an honor for him to attend the night's meeting and share the evening to honor a veteran and premier school board member in the State of North Carolina; that he has had the opportunity to work with a number of school board members over the 23 years that he has worked with NCSBA and that he has known Mr. Wilkie for a long time; that they do not come any better than he; that he believes that Mr. Wilkie is the longest serving school board member in the State of North Carolina; that Chatham County is very fortunate to have him; that he cares about children and the citizens of the County and State; that he is a true gentleman and a friend of public education in North Carolina and across the country. He saluted him on behalf of his Board of Directors.

Dr. Larry Mabe, Superintendent of Chatham County Schools, conferred the Order of the Long Leaf Pine to Mr. Wilkie on behalf of the Governor of the State of North Carolina, Michael Easley.

Mr. Wilkie expressed his appreciation upon receiving the resolution. He stated that it touched his heart; that he will continue to work hard to represent the County and all 117 school districts in North Carolina; and that he has enjoyed serving as President of the North Carolina School Board Association.

He also expressed appreciation to Congressman Etheridge and Dr. Dunlap for their kind remarks. He stated that he was surprised and humbled to accept the honor and thanked them again for the honor. He stated that he had been on the Chatham County School Board for one main purpose, to serve the citizens of Chatham County and protect the interest of the children; that the children are our most precious resource; that

if we fail to look after their interest, we short-change our future and our country; that he is determined that neither of these things happen; that everyone is in attendance tonight because each wants to do what is best for the community, State, and great nation; that there are some difficult times ahead, but that there have been hard times before and solutions were found to the problems that confronted us; that he believes that together it will be done again. He thanked his wife of fifty years, his children, for their constant love and support over the years which allowed him to give so freely of his time and energy to public service; that he is proud to live in Chatham County, North Carolina; that on behalf of the citizens of Chatham County he proudly accepts the honor.

INPUT SESSION

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

PLANNING AND ZONING

Public Hearing:

Public Hearing on the Chatham County Zoning Ordinance: Public hearing to receive public comments on the Chatham County Zoning Ordinance Section 9 concerning non-conforming situations

Nancy Brown, 106 Persimmon Hill, Pittsboro, NC, stated that she loved the proposed change in the ordinance; that the language returns decisions to the citizens of Chatham County and protects the environment and land of Chatham County; that the mission of the Chatham County Health Department promotes human and animal health and establishes and maintains healthful lifestyles and environment; that she charges the Board to follow through with their mission of serving the public and protecting its interests; that Jordan Lake is a constant concern regarding proposed zoning or changes to the zoning ordinance; that we should have a citizen-up system, not a state-down system. She urged passage of the new language of the zoning ordinance.

Jane Gallagher, 628 Redbud, Pittsboro, NC, expressed appreciation of the hard work the Board did with various issues on the table; that Wooten's attorneys have done everything they could to block the public hearings; that it could be catastrophic if these text amendments are not passed; that the County passed a moratorium on this issue but that the State issued the permit anyway; that the State does not care about the local Land Use Plan and its applications; and that it is up to the Board to look after the interests of its citizens.

Gerald L. Featherstone, 117 Penna, Pittsboro, NC, stated that he was representing the Haw River Assembly; that they support this change in the Chatham County Zoning Ordinance; that the Board of Commissioners should have complete control over this process; that the current request from Wooten is a perfect example of why the ordinance needs to be changed; and that the zoning ordinance should be changed in order to give the Board more control to protect Chatham County.

Tim Gregg, 516 Deer Run, Pittsboro, NC, stated that Congressman Price's letter to Chairman Phillips indicated that he had no intention of influencing this situation; that further evidence indicates that local boards need to exert control over these zoning issues; that they need to clearly define what conforming and non-conforming really is; and that decisions need to be based on fact.

Bill Cure, 880 Buteo Road, Pittsboro, NC, stated that he has heard a great deal about these issues; that he wanted to make sure he could voice his concerns to the Board and have them heard and considered.

Royce McNeill, 61 Sugar Lake Road, Pittsboro, NC, stated that he owns property adjacent to the

Wooten plant; that there have been noxious odors that come from the asphalt plant; that he feels certain they have run afoul of allowable limits; that his well and water supply are contaminated and the animals are malformed.

Joan McLean, 205 Anolis, Pittsboro, NC, stated that she became aware of the zoning ordinance during the Wooten debate; that she urges the Board to take back the control over regulating land uses in Chatham County; and that the proposed language change gives the Board some say in non-conforming uses. She urged the Board to adopt the proposed regulations.

Sharon Day, 205 Anolis, Pittsboro, NC, stated that she is the Redbud Landowners Association President; that she is present to advocate common sense; that the Board obviously works hard for the citizens of the County; that the words “non-conforming” should be the key; and that the common people should have a sense of influence in their own communities.

Brenda Shine, 50 Mantis, Pittsboro, NC, stated that she was present to express support for the proposed zoning change; that it more expressly outlines boundaries in the zoning ordinance; that she supports the language because it places the decision making power in the hands of the Commissioners and allows for greater review; that power without accountability is dangerous; and that the requirements for public hearings allow citizens to participate the most in the process. She further urged the Board to adopt the proposed language change.

Sara Wilson, 562 Sugar Lake Road, Pittsboro, NC, stated that she lives very close to the proposed Wooten development; that she appreciates that the Board is willing to consider a change in the zoning ordinance text; that the whole area stands to be affected by a development such as Wooten; that she strongly supports the Board changing the wording of the zoning ordinance; and that she appreciates the Board being interested and getting involved.

Ginny Gregory, 136 Mantis, Pittsboro, NC, stated that when she voted for the Commissioners, she trusted that they would look after her interests; and that she urged them to look at this wording and pass it.

Mary Bugger, 165 Sierra Trail, Pittsboro, NC, stated that she had no idea what was going on at the Wooten plant when she bought her property. She urged the Board to pass the text changes that give more control to the citizens.

Dexter Perry, 1035 Mt. Gilead Church Road, Pittsboro, NC, stated that he is representing Haw River Baptist Church and they collectively urge the Board to pass these amendments; that the Board members vest their authority from the people; that the current Wooten permit allows them to expand a problem they have not yet fixed; and that the Board should question moral law. He further questioned whether or not it is morally right for a business to expand when it knows it is not wanted. He stated that the citizens appreciate being heard and represented on this issue, and asked that the Board to appoint a committee to examine the impact on their neighborhood.

Cindi Swensen, 826 Sugar Lake Road, Pittsboro, NC, stated that they just put up a garage on their property and had to jump through hoops to get it approved by the various County departments; that she would like to see the same hoops installed for Wooten through the passage of these amendments.

Beth Kricker, 224 Buteo Ridge, Pittsboro, NC, stated that S.T. Wooten stated to the News & Observer that they had been targeted by the residents who didn't target Lee Paving; that now they are contributing to a toxic environment; that as the profits of the asphalt plant continue to mount, the tax values of the residential community will decline; and that continuous pressure mounts on the Board from outside

Chatham County. She urged the Board to pass these amendments and give the citizens their due voice in this process.

Roland McReynolds, 1424 Bynum Ridge Road, Pittsboro, NC, spoke in support of the proposed change in the ordinance; that the Board has the opportunity to protect the interests of its citizens; and that a change in the zoning is consistent with protecting the interests of the citizens and the Land Use Development Plan.

Adam Sotak, 540 Webster Road, Pittsboro, NC, stated that he was present to support amending the zoning ordinance and insuring local control over what they do and do not want; that it is a matter of democracy now and for years to come; and that he feels the proposed change will insure that citizens voices be heard.

Rich Beaudry, 821 Buteo Ridge, Pittsboro, NC, stated that he moved away from Chatham County for a time but chose to return; that these folks represent what is socially acceptable and are willing to challenge what they do not feel is right; and that contending with asphalt trucks day in and day out is difficult. He asked that the Board pass the proposed amendments.

Maja Kricker, 218 Buteo Ridge, Pittsboro, NC, stated that she would like to speak in support of the proposed change in the ordinance; and that other communities, faced with the same issue, have chosen much stronger language than what is proposed. She appealed to the Board to adopt the proposed language.

John Allen, 3801 Black Creek Road, Wilson, NC, representing S.T. Wooten Company, stated that they fully support public process; that all S.T. Wooten wants to do on the current site is improve the equipment, not change the footprint; and that the Board should adopt regulations to protect the residents and not discourage businesses.

Gray Styers, 3751 Glenwood Avenue, Raleigh, NC, stated that he supports efforts to facilitate public process and involvement such as the zoning text amendments that are proposed; that in their many roles as Board of Commissioners, that every one is as important as the other; and that they strongly support the Board's efforts in this area.

Bill Pyle, 1422 Redbud, Pittsboro, NC, stated that he has previously been displaced by an environmental hazard; and that he doesn't want to see his health or that of his family be adversely affected. He implored the Board to return the decision making to the local authority.

Brad Holloway, 625 Silverberry Road, Pittsboro, NC, stated that he has lived adjacent to this property for years; and that his family's health has been affected. He asked the Board to make the right decision.

Roy Baroff, 240 Buteo Ridge, Pittsboro, NC, stated that the proposed language doesn't go far enough; that there is a strong historical context for this language to be in place; that there have been many opportunities to revise this language in the past; and that this language provides some oversight for the County. He further stated that the Board, through their elected position, is responsible for leading the County; that this is all really about democracy and that this change will allow for public input where it is most needed. He asked that S.T. Wooten to do the right thing for everyone with respect to this location. He called for S. T. Wooten to work with the County and local citizens, not to find a common nor middle ground, but to turn a polluted industrial site in a residential neighborhood into a County park for all of Chatham County citizens.

Request for Subdivision Sketch and Preliminary Approval of “Rosemont Subdivision, Phase II”: Consideration of a request by Chatham Development Corporation for subdivision sketch and preliminary approval for “**Rosemont Subdivision, Phase II**”, consisting of 23 lots on approximately 136 acres, off SR #1731 (O’Kelly Church Road), in Williams Township

As per the Planning Department and Planning Board recommendation, Commissioner Outz moved, seconded by Commissioner Givens, to grant sketch and preliminary design approval of the plat with the following conditions:

1. Septic permits for all lots be issued prior to final plat submittal with no lots being labeled as non-building
2. The developer advise staff prior to final plat submittal the status of the southwestern quadrant in regard to the Rails-to-Trails donation
3. Prior to final plat submittal, the parking issue for Rails-to-Trails at the intersection of SR #1731 and the American Tobacco Trail be resolved

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

Exactions from Subdivision Developers: Consideration of exactions from subdivision developers for providing adequate recreation facilities

As per the Planning Department, Commissioner Atwater moved, seconded by Commissioner Pollard, that these provisions not be made effective immediately but that there be time allowed to train staff and refine the administration of the system and that due to other work projects, that there be at least four months lead time prior to implementation, effective July 1, 2002. The motion carried five (5) to zero (0).

FINANCE OFFICE

Fiscal Year 2001-2002 Budget Amendments: Consideration of a request to approve Fiscal Year 2001-2002 Budget Amendments

Commissioner Givens moved, seconded by Commissioner Outz, to approve the budget amendments as proposed by staff, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

BOARDS AND COMMITTEES

Mid Carolina Workforce Development Board: Consideration of a request to appoint a member to the Mid-Carolina Workforce Development Board

This item will come before the Board at a later date.

Board of Equalization and Review Appointment: Consideration of a request to appoint a member to the Chatham County Board of Equalization and Review to replace Hal Winters

Commissioner Atwater moved, seconded by Commissioner Givens, to appoint Norman (Norm) D. Wells, 4 Carolina Meadows, Apartment #302, Chapel Hill, NC, to the Chatham County Board of Equalization and Review. The motion carried five (5) to zero (0).

Human Relations Committee Appointment: Consideration of a request to appoint a member to the Chatham County Human Relations Committee to replace Beth Burkes by Commissioner Givens

Commissioner Givens moved, seconded by Commissioner Pollard, to appoint Maria Jordan, PO Box 207, Siler City, NC, to the Chatham County Human Relations Committee. The motion carried five (5) to zero (0).

BREAK

The Chairman called for a ten-minute break.

PLANNING AND ZONING

Request for Meeting of Zoning Board of Adjustment: Consideration of a request by Joshua Kricker for a meeting of the Chatham County Zoning Board of Adjustment to hear an appeal from an action of the zoning enforcement officer and/or petition for an interpretation of the Zoning Ordinance

Chatham County Zoning Board of Adjustment:

Commissioner Atwater moved, seconded by Commissioner Givens, to recess as the Chatham County Board of Commissioners and convene as the Chatham County Board of Adjustment. The motion carried five (5) to zero (0).

BOARD OF ADJUSTMENT

The Chairman stated that this was a meeting of the Chatham County Zoning Board of Adjustment; that this Board is a quasi-judicial body that, in this instance, was sitting to hear an appeal by Mr. Joshua Kricker from a decision by the Chatham County Planning Director, Mr. Keith Megginson, to the effect that the proposed work at the asphalt plant by the S. T. Wooten Company is consistent with the County's zoning ordinance; that as the Wooten Company is a party in interest, it will be afforded an opportunity to present evidence, and to cross-examine witnesses offered by Mr. Kricker and the Planning Director.

He stated that the Zoning Board of Adjustment would hear sworn testimony and receive other evidence upon the issue before the Board; that its decision must be based upon sworn testimony or other proper evidence such as documentary evidence; that the Board must base its decision upon facts presented; and that it may not base its decision on emotional reaction or upon hearsay.

The Chairman outlined the procedures of the hearing before the Board of Adjustment as follows:

A. Opening Statements

1. Opening Statement by Mr. Megginson, Planning Director
2. Opening Statement by S. T. Wooten Company's representative

B. Oath Administered to Witnesses

All witnesses to be presented will be sworn at this time.

C. Presentation of Evidence

1. Mr. Kricker will be given an opportunity to present witnesses and other evidence. Mr.

Megginson, a representative of S. T. Wooten Company, and any member of this Board may question Mr. Kricker and any other witness called by him.

2. Mr. Gray Styers, Attorney for S. T. Wooten Company, will be given an opportunity to present witnesses and other evidence. Mr. Kricker, Mr. Megginson, and any member of this Board may question Mr. Styers and any other witness called by him.
3. Mr. Megginson will be given an opportunity to present witnesses and other evidence. Mr. Kricker, Mr. Styers, Attorney for S. T. Wooten Company and any member of this Board may question Mr. Megginson and any witness called by him.

D. **Objections**

Should either Mr. Megginson, Mr. Kricker, or the S. T. Wooten Company's representative have an objection, they may so state and identify the party objecting; however, there will be no argument received on said objections.

The Chairman stated that it is absolutely necessary that the Board be able to hear the testimony presented; that it is also necessary that the participants be allowed to make their presentations with as little interruption as possible; that he would ask the audience to please afford the participants the courtesy of not being interrupted; and that the audience will not be allowed to make statements or ask questions during the hearing.

Zoning Board of Adjustment Oath:

The Chairman administered the oath to those who wished to make public comments, including Gray Styers, Keith Megginson, and Joshua Kricker.

Zoning Board of Adjustment Procedures:

Following the procedure outlined by the Chairman, the proceedings progressed as follows:

1. Opening statements were made by Keith Megginson, Chatham County Planning Director, Joshua Kricker, and Gray Styers, attorney representing the S. T. Wooten Company.

After the opening statements, Mr. Kricker testified and presented the following witnesses:

Christopher Ketchel, started PrimeNC.com, LLC, a full-service real estate brokerage (2001); superintendent for Robuck Homes, Weston Pointe, Cary, NC (2000); superintendent for Torrey Homes, Arbor Creek, Holly Springs, NC (1999)

Brenda Shine, B.S., Chemical Engineering, University of Texas-Austin (1984); Registered Professional Engineer, Chemical Engineering, North Carolina (#19235) and Texas (#82545)

Douglas J. Wakeman, Ph.D. Economics, University of North Carolina at Chapel Hill (1986); B. A., Economics and Political Science, University of North Carolina at Chapel Hill (1978); and Professor, School of Business, Meredith College

They were cross-examined by Mr. Megginson and Mr. Styers.

2. Mr. Styers presented his witnesses as follows:

Christie Barbee, Executive Director of the Carolina Asphalt Paving Association

Bill Lane, NC Certified Professional Engineer; Bachelor's Degree in Chemical Engineering from the University of Notre Dame, Master's Degree in Environmental Engineering from the University of Texas, has been involved in Environmental Permitting for over a dozen asphalt plants, and Attorney with Kilpatrick Stockton

John Allen, Senior Vice President with the S. T. Wooten Corporation

3. Mr. Megginson presented his witness as follows:

Richard Bowen, S. T. Wooten employee who inquired about the uses of the S. T. Wooten property and applied for the concrete plant on site in addition to the asphalt plant that was already on the property

Mr. Megginson stated that on November 26, 2001, the Planning Department received a request for zoning consistency determination from ENSR International on behalf of S. T. Wooten for a hot mix asphalt plant described in their application attached, according to General Statutes 143-215.108(f); that after reviewing the statutes, the Chatham County Zoning Ordinance and some other applicable land use regulations on December 6, 2001, he wrote a letter to Ernie Fuller with the Division of Air Quality and then another letter on December 14, 2001 informing him of the determination of zoning consistency; and that according to the Chatham County Zoning Ordinance, Mr. Joshua Kricker and others appealed this decision to the Zoning Board of Adjustment on January 8, 2002 and then filed an amended appeal on January 10, 2002.

He stated that determinations of zoning consistency, issuing air permits and dealing with non-conformities are a regular normal part of the work of their office; that either individually or in some combination of issues, Alcohol, Tobacco, and Firearms (ATF) requests zoning consistency for alcohol permits and issues related to guns; that the Division of Motor Vehicles wants the determination when used car sales use is requested and the Air Quality Division wants the determination of numerous issues; that they do air permit letters for projects such as the brick CP&L steam plant and chicken plants and deal with non-conformities on lots, buildings and uses, such as a house in Bynum, church in Moncure or lots in Polks Landing and Chatham Development.

In closing, he stated that the burden of proof was on Mr. Kricker to show that he was incorrect in his decision; that the Board had to go by the Chatham County Zoning Ordinance at the time the request was made; that Kricker had referenced 1980's ordinance from Shelby and Union County but had not presented those ordinances; that he had copies of the present ordinance from those jurisdictions and that they had changed since the 1980 law suits and did not apply anyway since they are different than what is applicable in Chatham County; that Mr. Kricker's own witness, Brenda Shine, and S. T. Wooten's witness, Bill Lane, testified that a batch mix asphalt plant and drum mix asphalt plant have the same materials going in except that recycled asphalt which was explained and then asphalt paving product coming out; that Ms. Barbee testified about the SIC and the NAICS and the annual air permit report from the State for Lee Paving Company for 1996 and 1999 and for the S. T. Wooten air permit request which are all classified the same; and that Mr. Kricker did not present any testimony to the contrary or what the plant is if it is not this classification. He stated that he did not think sufficient evidence had been

presented to over turn his decision.

At the conclusion of the evidence, the Chairman announced that there would be no further evidence received and the hearing was closed.

Detailed verbatim comments can be examined on the recorded minutes maintained in the Office of the Clerk to the Board.

The following exhibits will be maintained in the Office of the Clerk to the Board for a period of two years or until all appeals have been adjudicated.

Exhibits submitted by Joshua Kricker:

- A) Chart showing North East Chatham County sales data year 2001 last quarter
- B) Parcel map showing area surrounding S. T. Wooten Facility at 240 Sugar Lake Road
- C-1) Diagram of hot mix batch plant
- C-2) Diagram of hot mix asphalt drum plant
- D) Photograph of proposed drum plant Unit #15
- E) Plant site emission chart
- F) 9th Report on Carcinogens for the Year 2000 published by The Order of the US Congress, US Department of Health & Human Services
- G) Air trends 1997 summary published by the US EPA (3 pgs)
- H) Publication of the Office of Children's Health Protection of the US EPA (10 pgs.)

Exhibits submitted by the Chatham County Planning Director:

- 1) Request for Zoning Consistency Determination packet including the following: A). Letter dated Nov. 12, 2001 to Ms. Lynn W. Richardson from ENSR International; Received dated Nov. 26, 2001 signed by Keith Megginson B). Zoning Consistency Determination (blank form) C). North Carolina General Statutes-143-215.108. Control of sources of air pollution; permits required. D). Letter dated Nov. 9, 2001 to Mr. Ernie Fuller from ENSR International E). Air Quality Permit Application Hot Mix Asphalt Plant, S.T. Wooten Asphalt Mixing Services, LLC--#15, Pittsboro, North Carolina, Document Number: 09417-107-560(complete application)
- 2) Letter dated Dec. 6, 2001 VIA FAX to Chatham County Planning Department from Sharon Day, President Redbud Landowners Association, Received dated 12/6/01 2:00PM initialed KM

- 3) Letter dated Dec. 6, 2001 to Mr. Ernie Fuller from Keith Megginson with attachment of Chatham County Zoning Ordinance
- 4) Letter dated Dec. 11, 2001 to Mr. Ernie Fuller from Keith Megginson
- 5) Letter dated Dec. 13, 2001 to Keith Megginson from John D. Allen, Sr. Vice President S.T. Wooten Asphalt Mixing Services, LLC with attachment of Zoning Consistency Determination (blank form)
- 6) Letter dated Dec.14, 2001 to Mr. Ernie Fuller from Keith Megginson
- 7) Map titled Boundary Survey for S.T. Wooten Corporation dated Nov. 16, 2001 by Absolute Land Surveying and Mapping , received dated 12/14/01 signed Keith Megginson
- 8) Map titled Figure 3 Site Plan for Air Dispersion Modeling Analysis dated 11/20/01 by ENSR Consulting and Engineering (NC), Inc., received dated 12/14/01 signed Keith Megginson
- 9) FAX Transmission dated 1-7-02 to Keith Megginson from Richard Bowen and two maps size 8 ½ X 11 inches showing scaled plant locations
- 10) Appeal from an action of the Zoning Enforcement Officer and/or petition for an interpretation of the Zoning Ordinance dated Jan. 8, 2002 signed by Joshua Kricker with 10 page attachment entitled Appeal From Decision of Planning Board Director December 14, 2001 and 10 page attachment entitled Amended Appeal From Decision of Planning Board Director December 14, 2001
- 11) Letter dated Jan. 28, 2002 to Joshua Kricker from Keith Megginson giving notice of Zoning Board of Adjustment hearing Feb. 18, 2002
- 12) North American Industry Classification System United States, 1997 by Executive Office of the President, Office of Management and Budget, pages 7-28, 194-197, and 806
- 13) Chatham County Board of Commissioners Agenda Item Abstract Meeting 10/21/96 Subject: Proposed amendment to the Chatham County Zoning Ordinance Section 9.4 "Extension or Enlargement of Non-conforming Situations" and Section 9.5 "Reconstruction Limitations", to lessen restriction on non-conforming situation. Pages 161-163 with attachments #1 & #2.
- 14) Chatham County Board of Commissioners Minutes of October 21, 1996, Regular Meeting pages 3 and 4
- 15) Ortho-photo map scale 1:12000 showing in red outline S.T. Wooten property on Sugar Lake Rd. and Krickers' properties on Buteo Ridge
- 16) Ortho-photo map scale 1:4800 showing in red outline S.T. Wooten property on Sugar Lake Rd.
- 17) A Resolution Extending The Application of the Zoning Ordinance For Baldwin and Williams Townships adopted Dec. 5, 1983 by Chatham County Board of Commissioners

- 18) Zoning Ordinance for Baldwin & Williams Townships, New Hope and portion of Cape Fear Township North of US #1 Article XII, Definitions pages 61 and 64
- 19) Annual Air Pollutant Emissions Inventory, Division of Air Quality, North Carolina Department of Environment, Health, and Natural Resources- 1996 and 1999 Lee Paving Company Pittsboro Asphalt Plant inventory forms

Exhibits submitted by the S. T. Wooten Company:

- 1) Map of Chatham County showing State maintained Roads or important non-system roads effective January 8, 2002
- 2) Plat showing Sugar Lake Land Company, Deed Book 594, Page 989
- 3) Asphalt Plant Air Emission Facts Chart
- 4) Chart showing Chatham County Zoning Ordinance Sections 9.2 Continuation of Non-conforming Situations, 9.3 Non-conforming Lots of Record, and 9.4 Extension or Enlargement of Non-conforming Situations
- 5) Property/Orthophoto Map Section of Chatham County, North Carolina with ½ mile and 1 mile radius rings

All the exhibits were contained in a notebook entitled:

- 6) "Evidence Presented to the Chatham County Board of Commissioners Sitting as Zoning Board of Adjustment – Regarding Zoning Ordinance Interpretation Appeal"

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December 13, 2000 Letter from Lynn Richardson
4. DOT Construction Plans – Map of Chatham Co.
5. Site Plans
6. Maps of Area
7. Overview of Air Quality Issues
Letter from Alan Klimek
8. Air Permit No. 01887R13
9. Information Regarding Location of Kricker Property
10. Groundwater Information

Commissioner Pollard moved, seconded by Commissioner Atwater, to recess as the Board of Adjustment until March 18, 2002 and reconvene as the Board of Commissioners. The motion carried five (5) to zero (0), and the Board of Adjustment recessed at 1:19 AM.

MANAGER'S REPORTS

There were no Manager's reports.

COMMISSIONERS' REPORTS

There were no Commissioners' reports.

Compensation for Board of Adjustment Meeting:

By consensus, the Board agreed that the night's meeting of the Zoning Board of Adjustment should be considered a "Special Meeting" and compensated at a rate of \$75.00 per Board of Commissioner member.

ADJOURNMENT

Commissioner Givens moved, seconded by Commissioner Outz, that there being no further business to come before the Board, the meeting be adjourned. The motion carried five (5) to zero, and the meeting was adjourned at 1:21 AM.

Gary Phillips, Chairman

ATTEST:

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