

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
AUGUST 18, 2003

The Board of Commissioners ("the Board") of the County of Chatham, North Carolina, met in the District Courtroom, located in Pittsboro, North Carolina, at 6:00 PM on August 18, 2003.

Present: Chairman Tommy Emerson; Vice Chair Carl Outz; Commissioners Margaret Pollard, Bob Atwater, and Bunkey Morgan; County Manager, Charlie Horne; County Attorney, Robert L. Gunn; Finance Officer, Vicki McConnell; and Clerk to the Board, Sandra B. Sublett

The meeting was called to order by the Chairman at 6:12 PM.

PLEDGE OF ALLEGIANCE AND INVOCATION

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

AGENDA

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

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

CONSENT AGENDA

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

Chairman Emerson asked that consideration of a request to set September 2, 2003 as the date on which to hold a public hearing to receive public comments on the Stockyard Road Project be added to the Consent Agenda as Item #13.

Commissioner Pollard moved, seconded by Commissioner Morgan, to approve the Consent Agenda with the noted request.

1. **Minutes:** Consideration of a request for approval of Board Minutes for Regular Meeting held August 04, 2003 and Work Session held August 04, 2003

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

2. **Road Names:** Consideration of a request to approve a request from citizens for the naming of private roads in Chatham County as follows:

1. **Collins Creek Court**
2. **Short Street**

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

3. **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).

4. **Funds Acceptance from Regional Public Health Bioterrorism Laboratory:** Consideration of a request to accept funds in the amount of \$3,000 from the Regional Public Health Bioterrorism Laboratory awarded to the Chatham County Health Department

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

5. **Funds Reduction in the Breast & Cervical Cancer Control Program:** Consideration of a request to accept a reduction of funds in the amount of \$6,845 for the Breast & Cervical Cancer Control Program (BCCCP) for the Chatham County Health Department

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

6. **Medicaid Rate Change Notification:** Consideration of a request to notify the Board of Commissioners of changes to the Medicaid rates for public health departments, attached hereto and by reference made a part hereof.

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

7. **Approval of Late Application for Faith Baptist Church:** Consideration of a request to approve the late application for property tax exemption for Faith Baptist Church, application attached hereto and by reference made a part hereof.

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

8. **Sketch Design Approval of "Bobcat Point Subdivision, Phase IV, Lots 89-98":** Consideration of a request by Ricky Spoon Builders for subdivision sketch design approval of "Bobcat Point Subdivision, Phase IV, Lots 89-98", consisting of approximately 10 lots on 71 acres, off SR #1558 (Henderson Tanyard Road), Hadley Township

As per the Planning Department and Planning Board recommendation, sketch design approval of the plat was granted as submitted. The motion carried five (5) to zero (0).

9. **Sketch Design Approval of "Bobcat Point Subdivision, Phase III, Lots 84-88":** Consideration of a request by Ricky Spoon Builders for subdivision preliminary design approval of "Bobcat Point Subdivision, Phase III, Lots 84-88", consisting of approximately 16 acres, off SR #1558 (Henderson Tanyard Road), Hadley Township

As per the Planning Department and Planning Board recommendation, preliminary design approval of Bobcat Point, Lots 84-88 was granted as submitted. The motion carried five (5) to zero (0).

10. **Subdivision Final Approval for "Major Subdivision, Phase 2, Map for Joseph Lon**

Griffin": Consideration of a request by Joseph Lon Griffin for subdivision final approval of **"Major Subdivision, Phase 2, Map for Joseph Lon Griffin"**, consisting of 2 lots, Lot 5 and Lot 6, on approximately 11 acres, off SR #2215, Minow Johnson Road, in Oakland Township

As per the Planning Department and Planning Board recommendation, final approval of the plat was granted as submitted. The motion carried five (5) to zero (0).

11. **Subdivision Final Approval of "Governors Village Townhomes, LLC"**: Consideration of a request by Robuck Homes, Inc. on behalf of **Governors Village Townhomes, LLC** for subdivision final approval of "Governors Village Townhomes, Phase 2", consisting of ten (10) lots on approximately 9.2 acres off SR #1811 (Governors Drive) in Williams Township

As per the Planning Department and Planning Board recommendation, final approval of the road names, Locke Craig Lane East, Locke Craig Lane West, and Roark Hoey Loop and the plat as submitted with the following condition:

1. The plat not be recorded until forty (40) percent of the total cost of improvements have been completed and certified by an engineer.
2. The plat not be recorded until the county attorney has approved the financial guarantee.

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

12. **Request to Extend Term of Financial Guaranties**: Consideration of a request by Nicolas P. Robinson, Attorney-at-Law, on behalf of The Preserve at Jordan Lake to extend the term of the financial guaranties currently in place to July 31, 2004

As per the Planning Department and Planning Board recommendation, an extension of Performance Bond #24-34-15 to expire July 31, 2004 was granted. The motion carried five (5) to zero (0).

13. **Public Hearing on Stockyard Road Project**: Consideration of a request to set September 2, 2003 as the date on which to hold a public hearing to receive public comments on the Stockyard Road Project

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

END OF CONSENT AGENDA

PUBLIC INPUT SESSION

Stephen Bennett, Pittsboro Postmaster, PO Box 9998, Pittsboro, NC, stated that he has been the new postmaster of Pittsboro for almost two months; that he has been fortunate to already have met a lot of people; that he brings to Pittsboro a new type of management style; that he has been with the postal service for thirty-two years; that he was fortunate to work with the Clerk to the Board years ago; that the postal service wants to become an integral part of the community; and that he doesn't have all the answers, but he has been with the postal service long enough that he knows to whom to go for the answers; that he has an open-door policy. He asked for questions from the Board and expressed his willingness to help anyone at any time with any situation or problem.

Wanda Pender, 51 Vickers Road, Chapel Hill, NC, voiced concern with regard to the need in the County for additional mini-warehouse storage units, upkeep of existing facility owned by the applicant on Highway #15-501, lighting, fencing, view shed, aesthetics, realignment of Vickers Road, adequate buffering for adjacent properties and commercial traffic on a residential street. She presented a petition from the residents on Vickers Road opposing the facility stating that the residents have several concerns, including: 1) Traffic; 2) Safety and security; 3) Litter along the roadside; 4) Upkeep of the property; 5) Lighting; 6) Noise; and 7) Buffering between the residential area and the facility.

Warren Mitchell, speaking on behalf of the applicant stated that many items were addressed after the Planning Board review of the project; that he and his father will continue to work on the existing storage facility; that the claims of litter were unfounded; and that the new proposed project has good buffers.

PLANNING AND ZONING

Request for Monopole Communication Tower: Consideration of a request by **AT&T Wireless Services, PCS**, for a 199 foot monopole communication tower, on a 100 foot by 100 foot portion of an approximate 5 acre tract owned by Leon D. Lee and wife, Jacqueline B. Lee, off Gade Bryant Road (SR #1954), in Oakland Township

As per the Planning Department and Planning Board recommendation, Commissioner Morgan moved, seconded by Commissioner Outz, to approve the request as submitted. The motion carried five (5) to zero (0).

Request for Light Industrial Conditional Use District by William D. Mitchell: Consideration of a request by William D. Mitchell for a Light Industrial Conditional Use District with a Conditional Use Permit for a mini-warehouse storage facility (6 buildings), on 5.43 acres, off Vickers Road (SR #1719), in Williams Township

After considerable discussion, Commissioner Morgan asked if a condition could be added to have one of the twenty-one people who signed the petition to appoint one representative to meet with Mr. Mitchell to review these matters.

The County Attorney advised that a condition of this type would not be appropriate but suggested that it might be done on a voluntary basis. Mrs. Pender volunteered to meet with Mr. Mitchell to discuss matters of concern.

Commissioner Atwater asked Mr. Mitchell questions concerning buffering opportunities in general, as well as, outlined concerns of the neighbors, adjacent and immediate landowners. He then stated that he had reviewed the matter carefully, looked at the property, and knows the concerns; that from the Planning Board perspective, there was a concern that Mr. Mitchell's request was not in compliance with the Land Development Conservation Plan; that he has looked through the plan carefully and feels that there was a concern, if the request was approved, that it might precipitate strip malls; that it is his understanding that the predominance of the plan is met; that he feels that since it is destined to be a commercial corner, there are more intrusive applications which could be presented; that if Mr. Mitchell is willing to landscape to the point where there is little to no visibility, he feels that leaving the proposed conditions plus the new one (regarding visibility) makes the request worthy of consideration. Mr. Mitchell positively responded and agreed to the stipulations, which are in addition to the Planning Department's recommendation, Commissioner Atwater requested.

As per the Planning Department recommendation, Commissioner Atwater moved, seconded by

Commissioner Outz, to approve the request as stated in the revised application and text dated June 19, 2003 and as shown on the revised site plan with the following conditions:

1. A commercial driveway permit be obtained from NCDOT for the new driveway location prior to a building permit being issued.
2. An erosion control permit or letter stating no permit is required must be obtained from NCDENR prior to obtaining a building permit.
3. A building permit must be obtained within twelve (12) months of approval by the Board of Commissioners and must remain valid at all times or the conditional use permit shall be null and void.

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

Request for Text Amendment to Zoning Ordinance to Add Child Daycare: Consideration of a request by Mike Hubbard for a text amendment to the Chatham County Zoning Ordinance, Section 10.5 (B-1 Business District) – [A.] (permitted uses), to add Child Daycare to the list of permitted uses

As per the Planning Department and the Planning Board recommendation, Commissioner Morgan moved, seconded by Commissioner Outz, that Day Care Centers be added to the list of permitted uses for Section 10.4 Office and Institutional District and to Section 10.5 B-1 Business District. The motion carried five (5) to zero (0).

Proposed Amendment to Zoning Ordinance to Omit Height Restriction: Consideration of a proposed amendment to the Chatham County Zoning Ordinance to omit the height restriction established at 35 feet in residential districts and the office and institutional districts

As per the Planning Department and Planning Board recommendation, Commissioner Morgan moved, seconded by Commissioner Outz, that the height limit be increased in the residential districts and the office and institutional districts to 60 feet (found in the Zoning Ordinance Sections 10.1C-10.4C Maximum Building Height) and that the height limit be established at 60 feet in the Business District Section 10.5C. The motion carried five (5) to zero (0).

Request for Revision to Conditional Use B-1 Business District with Conditional Use Permit: Consideration of a request by Mike Hubbard for a revision to his Conditional Use B-1 Business District with a Conditional Use Permit for: catering operation; office (business, professional, governmental); office (engineering supply and similar sales and service including blueprinting, photostatting and similar services); landscape design; gift shops, jewelry sales and service; interior design shop; churches; public or private school; training; conference center; camera shop; retail stores and personal service shops similar to those services listed dealing in direct consumer and personal services, to add child daycare, on 2.00 acres (formerly Patton's Rest Home property), off East Cotton Road (SR #1712), in Baldwin Township

As per the Planning Department and Planning Board recommendation, Commissioner Morgan moved, seconded by Commissioner Pollard, to grant approval of the request for a revision to the existing Conditional Use Permit as stated to add day care centers with the following conditions:

1. Conditions 1, 2, 3, 4, 5, 6, 7, 9 of the conditional use permit approved for Mike Hubbard by the Chatham County Board of Commissioners on June 16, 2003 are to remain in effect.

2. Parking requirements for child care and kindergarten, 6 or more children (1 space per teacher or staff, plus stacking for 4 cars for drop-off and pickup or stacking for 1 car per 10 children, whichever is greater) shall be installed prior to issuance of the certificate of occupancy for the structure.
3. Area 1, shown on the site plan, shall not be used as a developed play area. The area may be fenced and used for passive uses.
4. Signage with language cautioning of daycare use (i.e. caution/alert/child day care use) shall be installed near all child drop-off/pickup areas prior to issuance of the certificate of occupancy for the structure.
5. If in the future property is used for a dual use, rigid traffic safety barrier(s) shall be installed at all child drop-off/pickup areas prior to issuance of the certificate of occupancy for the structure for said use.
6. A new site plan is to be furnished to staff detailing the location of the delivery and loading areas, the child drop-off/pickup areas, required signage, safety barrier(s) and the location of required parking spaces for day care use.
7. The existing 40 foot wide easement be upgraded to a 16-foot wide travel way with 4 inches of crush and run stone.

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

Request for Revisions to Existing Conditional Use Permit by Greg Isenhour: Consideration of a request by Greg Isenhour for revisions to the existing Conditional Use Permit of a 135 condominium Planned Unit Development of Elwood and Mary Hardin to provide for not more than 56 townhouses, a health spa, charter school site, and convenience recycling center on approximately 19 acres, off Highway #15-501 North, in Williams Township

As per the Planning Department and Planning Board recommendation, Commissioner Pollard moved, seconded by Commissioner Outz, that the five required findings be made based on the information submitted; that the request for revision to the existing PUD be approved as submitted according to the plans; that Phase I be permitted according to the site plan date June 30, 2003; that Phases II and III be permitted with site plans to be reviewed by the Planning Board and approved by the Board of Commissioners at a later date; and that lighting shall be in compliance with the draft revisions date May 7, 2003 to the lighting section of the Chatham County Zoning Ordinance. The motion carried five (5) to zero (0).

Proposed Revisions to Subdivision Regulations – Private Roads: Consideration of proposed revisions to the Chatham County Subdivision Regulations Section 6.2D (2) regarding private roads

As per the Planning Department and Planning Board recommendation, Commissioner Atwater moved, seconded by Commissioner Pollard, to amend the Chatham County Subdivision Regulations Section 6.2D(2) to include the amended language stated in #1 and #2 and that the language in #3 be incorporated in Section 6.2C as stated:

1. If a large lot subdivision has 24 or less lots and the road is to be paved then it shall be constructed to state standards although not designed to state standards.

2. If there is an established (prior to subdivision) 60 foot wide easement to adjacent land on property and the developer proposes to use the easement as the road of access, then the road shall be designed and built to state standards.
3. A developer of roads in subdivisions that are to be public roads shall provide an irrevocable offer of dedication prior to final plat approval.

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

Proposed Revisions to Subdivision Regulations – Public Street Access: Consideration of proposed revisions to the Chatham County Subdivision Regulations Section 6.2B. (3) – public street access

After considerable discussion, Commissioner Atwater moved, seconded by Commissioner Outz, to table the matter until a later date. The motion carried five (5) to zero (0).

RECESS

Chairman Emerson called for a ten-minute recess.

RECREATION DEPARTMENT

Bells Landing: Consideration of a request to pursue a lease for the Bells Landing site and commit to passive development (hiking/educational trail, equestrian/multipurpose trail, water sport teaching area)

Tracy Burnett, Chatham County Recreation Director, explained that Bells Landing is proposed as a special use park developed on approximately 460 acres at Jordan Lake owned by the Army Corps of Engineers. She stated that members of the community around Bells Landing have requested on more than one occasion to have an opportunity to offer input before the County commits to any level of park development; that in October, 2000, the County Manager, Assistant County Manager and Recreation Director met with key members of the Corps of Engineers to present the Bells Landing Plan; that the Corps personnel expressed their approval of the Master Plan and asked that the County submit an Operations Management Plan consistent with a Capital Improvement Plan for implementation of the project in order for the Corps to process a lease agreement for the property; that in January, 2001, the invitation of concerned members in the community near the proposed development site, the Recreation Director, Assistant County Manager, and member of the Parks Foundation and Recreation Advisory Board attended a community meeting to discuss the Bells Landing site; that in December, 2001, an operational management plan for Bells Landing was completed; that in November, 2002, Richard Berner, representative from Jordan Lake Trans Conservation Association (JLTCA), a group of people interested in developing trails met about partnering to develop the trail at Bells Landing; that JLTCA was interested in connecting the Bells Landing trail with the Vista Point property and Wilderness Island property; that in order to make a trail connection along these four properties, representatives from State Management, the Wildlife Commission, and the Army Corps of Engineers had to be involved; that in January, 2003, the Assistant County Manager, Recreation Direction, Don Lein, Bill Bussey, and Richard Berner met to discuss a draft of a GIS map outlining the proposed Bells Landing trail route along with the four properties to present to the Wildlife Commission, State Management, and the Army Corps of Engineers; that in March, 2003, Richard Berner scheduled a meeting to discuss the proposed Bells Landing trail route along Vista Point, Wilderness Island, and River Junctions; that on June 2, 2003, a meeting was held to discuss the Bells Landing project; that on June 24, 2003, a meeting with community representatives for Chatham County Parks and Recreation, Jordan Lake Trails Conservation Association, Chatham Parks Foundation and private landowners near the proposed Bells Landing Recreation area met to

pose questions to the Recreation Director and Assistant County Manager; and that the purpose of the meeting was to openly and honestly express the concern of interested individuals and receive a written response from the Chatham County staff and come to a common understanding and agreement.

Richard Berner thanked the Board for the opportunity to speak. He recognized those in attendance and stated that without them, the matter would not be before the Board. He stated that the process started two years prior; that they wanted to involve everyone concerned; that land managers, Army Corps of Engineers, and State Parks have all been involved; that it has been a transparent process; that they are asking the Board for support of multi-purpose trails from Bells Landing to Wilderness Island; that the multi-purpose trail includes horses, hikers, joggers, and mountain bikers; that representatives from each of those are present; that the trail would be a natural surface; that it would be a primitive trail; that there are processes to go through when putting a trail together; that the topography, soil conditions, and effect on nature and water has to be understood; that to ensure that the process works correctly, a Memorandum of Understanding between the Jordan Lake Trails Association and Chatham County, the Army Corps of Engineers, and State Parks would be needed; that a planning team would govern what was done; that there would be permits and reviews during the process; that they are a voluntary organization; that there is no cost to the County; that they make their money from grants, volunteers, fund raisers, and donations; that a lot of the work is done by those in attendance at the night's meeting. He stated that they are requesting Board support in the development of multi-purpose trails in Chatham County at no cost to the County.

Don Lein stated that it was important to put into perspective what the group has brought to the project; that they are suggesting that they are going to build a 12.1 mile multi-use trail along Jordan Lake; that the Recreation Director's estimates are approximately \$4-8 per linear foot; that they are estimating 60,000 feet; that they are bringing a fair amount to the table and asking for the Board's support; that all they are asking is to build a parking lot with drainage and other necessary things; that he thinks it is an opportunity that the Board has to send a signal to other volunteer groups who want to improve the County and are willing to put in a fair amount of "sweat equity" to make it happen; that he feels that they are going to try to raise as much funds as they can; that he has worked with the group up to this point; that the Parks Foundation supports their efforts;

In response to a question raised by a Commissioner, Mr. Lein stated that their funds are used to procure services to seek grants and are not used for expenses; that they raise their money and use it for building and developing parks in Chatham County; and that they will be working side-by-side with the Bells Landing folks.

After considerable discussion, Commissioner Morgan moved, seconded by Commissioner Atwater, to fund the project up to \$135,000 to come from the Northwood School District Recreation Fund and that the County make up the difference of the \$74,000 currently on hand with future revenues up to the amount needed to cover the project and to pursue a lease for the Bells Landing site and commit to a passive development to include hiking/educational trail, equestrian/multipurpose trail and water sport teaching area. The motion carried five (5) to zero (0).

Commissioner Pollard moved, seconded by Commissioner Morgan, to partner with the Jordan Lake Trail Conservation Association and participate in an equestrian trail partnership from Bells Landing to Wilderness Island, contingent upon Wildlife Resources Commission regulations changes to approve the trail. The motion carried five (5) to zero (0).

A sketch plan of the proposed Bells Landing Park Site, Chatham County, North Carolina is attached hereto and by reference made a part hereof.

American Tobacco Trail License Agreement: Consideration of a request to enter into a license agreement between the State of North Carolina Department of Transportation and Chatham County

Bill Bussey explained that he found out about the project while talking with another Michael Hosey after the approval of the lease by the Board of Commissioners in March; that Mr. Hosey explained that there was still no lease with them at that point; that this trail will not directly commit County funds; that they are expecting the project to be paid for largely by grants; that they are going to be looking for anything that they can do to match the grants; that he would prefer not to return to the Board of Commissioners to ask for funds; that even if he does, it will require Board approval; that all organizations will be working together; that this is truly a regional project; that it is the most important link of the project; that everyone should have received invitations to the grand opening in Wake County; that he hopes that everyone will attend to see what the Chatham County portion should look like; and that this is something that will hopefully be built by grant monies.

Commissioner Atwater moved, seconded by Commissioner Pollard, to enter into a license agreement between the State of North Carolina Department of Transportation and Chatham County and approve the Memorandum of Agreement between Chatham County, the Army Corps of Engineers, and the NC Wildlife Resources Commission, attached hereto and by reference made a part hereof. The motion carried four (4) to one (1) with Commissioner Outz opposing.

APPOINTMENTS

Chatham County Planning Board Appointment: Consideration of a request to appoint a member to the Chatham County Planning Board by Chairman Emerson

Chairman Emerson moved, seconded by Commissioner Outz, to appoint to Mark McBee, 84 Pine Lake Drive, Siler City, NC, to replace Phil Edwards' un-expired term, to the Chatham County Planning Board. The motion carried five (5) to zero (0).

Mid Carolina Workforce Development Board: Consideration of a request to appoint/reappoint three members to the Mid Carolina Workforce Development Board by Commissioner Morgan (1), Commissioner Atwater (1), and the full Board (1)

Commissioner Morgan moved, seconded by Outz, to reappoint John Jabbusch, PO Box 318, Siler City, NC, to the Mid Carolina Workforce Development Board. The motion carried five (5) to zero (0).

Commissioner Atwater moved, seconded by Outz, to appoint Dan Stroupe, PO Box 511, Siler City, NC, to the Mid Carolina Workforce Development Board. The motion carried five (5) to zero (0).

Nursing Home Advisory Board: Consideration of a request to appoint/reappoint six members to the Nursing Home Advisory Board, one per Commissioner plus one by full Board

Commissioner Morgan moved, seconded by Commissioner Pollard, to reappoint the following members to the Nursing Home Advisory Board and that the Chairman and staff be given the authority to work a staggered appointment system for future appointments and term lengths:

John Cooper, PO Box 1096, Pittsboro, NC
Elizabeth Edwards, 335 East Eleventh Street, Siler City, NC
Ray Gooch, PO Box 795, Pittsboro, NC
Pat Harris, 8853 US #421, Bear Creek, NC
Betty Harris Lambert, 1160 Bill Lambert Road, Bear Creek, NC

Thelma Turner, PO Box 10, Goldston, NC

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

Ag Advisory Committee Appointment: Consideration of a request to appoint/reappoint three members to the Chatham County Ag Advisory Committee by Commissioner Outz (2) and Chairman Emerson (1)

Commissioner Outz moved, seconded by Commissioner Morgan, to reappoint Lynn Mann, 1486 Manco Dairy Road, Pittsboro, NC, to the Ag Advisory Committee. The motion carried five (5) to zero (0).

Commissioner Outz moved, seconded by Commissioner Morgan, to reappoint Charlie Bolton, 970 WR Clark Road, Pittsboro, NC, to the Ag Advisory Committee. The motion carried five (5) to zero (0).

Chairman Emerson moved, seconded by Commissioner Morgan, to reappoint Phil Dark, 9985 US Highway #64 West, Siler City, NC, to the Ag Advisory Committee. The motion carried five (5) to zero (0).

Economic Development Board Appointment: Consideration of a request to appoint/reappoint a member to the Economic Development Board by Commissioner Outz

Commissioner Outz moved, seconded by Commissioner Morgan, to reappoint Paul McCoy, 3557 Pea Ridge Road, New Hill, NC, to the Economic Development Board. The motion carried five (5) to zero (0).

Chatham Transit Network Appointment: Consideration of a request to appoint a member to the Chatham Transit Network Board of Directors by full Board

Commissioner Atwater moved, seconded by Commissioner Morgan, to appoint Phil Booker, 425 Big Branch Road, Pittsboro, NC, to the Chatham Transit Network Board of Directors. The motion carried five (5) to zero (0).

Board Committees Review:

Chairman Emerson suggested that time be set aside for review of all boards, committees, and their duties.

MANAGER' S REPORTS

The County Manager had no reports.

COMMISSIONERS' REPORTS

Citizen Participation and Volunteer Involvement:

Dorothy Gamble, Clinical Associate Professor at the University of North Carolina, Chapel Hill, asked about the possibility of a team from her graduate social work class, Citizen Participation and Volunteer Involvement, engaging with the Chatham County Board of Commissioners in an exploration of the ways citizens actually become involved. She informed the Board that the basic task of the student team would be to understand the role of the County Board of Commissioners and to explore the many ways that citizens can be involved in advising the County and extending County services; that they will do that by observing meetings, exploring information on the web site and in the newspaper, interviewing Board members, and in

other ways that the Board feels may be helpful; that their task is to determine how one gets a broad spectrum of citizens involved in making a contribution to the community and in developing some suggestions that could help expand the things done now in order to have an inclusive and active participatory process; that in addition to a written report, she will ask the team to negotiate with the Board to perform a small projects or help with something that needs to be completed as a gesture of thanks to the Board for allowing them to extend the classroom into the community; that different teams of two to four students will be working with different boards; that they will also have a team working with the Orange County Board of Commissioners; that the class begins in late August and ends in early December; that the report will be due in November; that they will plan to either present it to the Board at a work session or at another convenient location; and that if the Board finds this a useful partnership, she will be happy to continue to work with them continuing with the next team of students in the fall of 2004.

Chairman Emerson moved, seconded by Commissioner Outz, to allow the extension of the classroom into the community and to approve the "Citizen Participation and Volunteer Involvement" study. The motion carried five (5) to zero (0).

September 2, 2003 Work Session:

There will be a work session after the regularly scheduled Board of Commissioners meeting on Tuesday, September 2, 2003.

New Group to Assess Business in Orange County:

Commissioner Morgan stated that the Chapel Hill-Carrboro Chamber of Commerce has launched a new group to spend six months talking about the kinds of businesses that should be promoted and encouraged in southern Orange County; that Howard Lee, Chairman of the State Board of Education and former State Senator, will lead the twenty-member council on a sustainable community; that the task force is to delve into existing and projected economic health of the Chapel Hill-Carrboro community, the commercial tax base's ability to provide funds for community needs and public services, the kinds of businesses needed to sustain the quality of life in Chapel Hill and Carrboro, and the possible improvements to education, training, housing, and transportation to compete for economic growth; and that Mr. Lee hopes to solicit broad ideas and input from the community and develop recommendations that have diverse acceptance.

Commissioner Morgan further stated that it had been discussed about Mr. Lee performing the same type of study in Chatham County; that there has been discussion with the Economic Development about the County having a summit; and that he feels that the need is still there.

Joint Meeting with Pittsboro and Siler City Town Boards:

Commissioner Outz reminded the Board of the need to meet with the Boards of the Town of Pittsboro and Siler City.

Future Work Session:

Commissioner Morgan stated that he felt the Board should have a lengthy work session to complete "unfinished business" items.

Lystra Church Road and Highway #15-501:

Commissioner Atwater discussed the temporary access at the intersection of Highway #15-501 and Lystra Church Road. He stated that there has been a huge hole there in the road which appears to have been partially filled with rock; that it is important that the hole be completely filled, preferably with asphalt; that he is also concerned that a portion of the road is being referred to as "Old Lystra Road" where it is in fact, "Lystra Church Road"; that Lystra Church Road is differentiated from Old Lystra Road which is further north on Highway #15-501 and is in fact in Orange County; and that obvious confusion on the naming of these roads could lead to serious mapping and emergency response problems.

Farrington Point Road:

Commissioner Atwater addressed another concern regarding Farrington Point Road at the point of the first bridge over Jordan Lake toward Wilsonville. He stated that another name that is recorded on a Thrifty Car Rental Map is Beaver Dam Road and is absolutely incorrect; and that DOT should be apprised of this distinction and should make necessary corrections to their data base.

Farrington Mill Road:

Commissioner Atwater stated that at the point of Farrington Mill Road going into Durham County, there are deep craters which need immediate attention.

Chairman Emerson asked the County Manager to consult with Commissioner Atwater to address these matters with correspondence to the proper officials with the Department of Transportation.

Mt. Gilead Church Road Asphalt Plant:

Commissioner Atwater stated that months ago when the Board dealt with the asphalt plant on Mt. Gilead Church Road, the Board said at the time that they would try to look at the language of the ordinance to make certain that the problem which they were experiencing did not happen again; that he would like for staff to start the process regarding revised language and public hearing, etc.; and that it may be that the policy needs to be changed as to what gets referred to the Zoning Enforcement Officer.

The Chairman asked that the Planning Director be notified of this request.

The County Attorney stated that in the S. T. Wooten case, the matter arose when a third party (an agency of the State) made a request to the Zoning Enforcement Officer for an interpretation of a provision of the zoning ordinance; that there was an appeal to the Board of Commissioners from that interpretation as provided by the zoning ordinance; that in such cases, the Board hearing the appeal must afford due process of law to all interested parties to the matter; that in order to fulfill this requirement, the Board sits in its quasi-judicial capacity and not in its legislative capacity; and that the Board of Commissioners sitting in its quasi-judicial capacity must receive sworn testimony and apply the law in arriving at its decision. The County Attorney also stated that it may be possible to structure an amendment to the zoning ordinance to reduce the number of matters required to be heard by the Board in its quasi-judicial capacity.

Soil Scientist Concerns:

Commissioner Outz expressed concern that developers have to hire a Soil Scientist to inspect their soils to see if they perk lot-by-lot for which they pay a fee; that they then pay a fee to the Health Department to come by and certify that the soils perk; that there are two fees for which developers are charged.

The County Attorney asked if developers were required to hire a Soil Scientist or could they just get in line to have a County inspector to do it.

After further discussion, the Board decided that they would check further into this matter at a later date.

Arsenic in Wells:

Commissioner Morgan asked when Dr. Ken Rudo, State Toxicologist, was going to be present at the Board of Health meeting. A memo regarding arsenic found in wells which was sent from Holly Coleman, Environmental Health Director, to the County Manager is as follows:

"Arsenic is being found in a lot of wells throughout the Piedmont counties that is being naturally created; finding levels in private wells; when testing water, he will talk with families to tell them what they can do.

Ricky Spoon has requested that the Board of Commissioners be notified of the arsenic situation due to some misinformation that may have been distributed at today's meeting. If you think this information would be of interest to the BOC, I am offering it for you to forward.

The information below is current and explains the situation as of today.

North Carolina's Department of Public Health and Division of Water Quality are both addressing the issue of arsenic in North Carolina wells. Arsenic is naturally occurring in the soil or can be from man-made sources, such as agricultural pesticides.

EPA drinking water standard for public water supplies is 10 ppb and North Carolina's standard for groundwater is 10 ppb. Dr. Ken Rudo, State Toxicologist with the Department of Public Health is recommending a standard of .02 ppb and when samples come back with 1 ppb (the lowest detectable level) or more, the well owner receives a Health Risk Evaluation that says that there may be an elevated risk of drinking the water at a rate of 2 liters per day for 30 years.

The Environmental Health Division has results from the sampling of 99 wells in 2002 and 2003 (July 31, 2003). Of those, 1 well tested above the 10 ppb (12 ppb) and 31 have tested to have between 1 and 9 ppb arsenic (1 ppb-6ppb).

Some homeowners in the Bobcat Point development became concerned after receiving a health risk evaluation from Dr. Rudo. Dr. Rudo recommended to me that the health department test all wells in Bobcat Point and stop the developer from selling lots with wells until test results are obtained. Of the 6 wells tested in Bobcat Point, 5 have had arsenic present--none over 3 ppb, so therefore all within the state standard of 10 ppb.

I have discussed this with Mr. Spoon and he is concerned about the wells. We have discussed sampling all current wells and he is most cooperative. Chatham has other wells with arsenic present at these levels and there is no intention of singling out this particular development.

We are trying to locate resources to assist with a study of the entire county to determine if arsenic is more prevalent in particular areas of the county, but at this time do not have the staff to undertake such a study. We would need to sample all areas of the county using a systematic, random method. The Division of Water Quality has undertaken some studies in counties with reported arsenic levels higher than the levels being reported from Chatham's wells.

Dr. Rudo is on the August Board of Health agenda, and I believe that the local health directors (environmental subcommittee) will discuss the discrepancy between the .02 ppb recommendation and the 10 ppb standard at their August meeting."

Water Projects – Proposed Action Plan (09-03-02):

Mr. Lowry reviewed the "Water Projects-Proposed Action Plan" abstract prepared by the former public works director in September, 2002 stating that the abstract was very important as to where they are, was totally up front, and approved by the Board of Commissioners; and that the abstract is a step-by-step plan as to how the County has arrived at this point. A copy of the "Water Projects-Proposed Action Plan" abstract is attached hereto and by reference made a part hereof.

ADJOURNMENT

Commissioner Morgan moved, seconded by Commissioner Pollard, 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 9:01 PM.

Thomas J. Emerson, Chairman

ATTEST:

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