

**MINUTES**  
**CHATHAM COUNTY BOARD OF COMMISSIONERS**  
**CARY TOWN COUNCIL**  
**JOINT MEETING**  
**MARCH 22, 2004**

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The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met with the Cary Town Council in the Page-Walker Arts and History Center, 119 Ambassador Loop, Cary, North Carolina, at 7:00 PM on March 22, 2004.

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

Absent: Commissioner Bob Atwater

**Cary Town Council**

Present: Mayor Ernie McAlister, Mayor Pro Tem Jack Smith, Council Members Marla Dorrel, Mike Joyce, Jennifer Robinson, Julie Robison, and Nels Roseland; Town Manager, Bill Coleman; Assistant Town Manager, Ben Shivar; Public Information Officer, Susan Moran; Town Attorney, Charles Henderson; Planning Director, Jeff Ulma; Engineering Director, Tim Bailey; Budget Director, Scott Fogleman; and Town Clerk, Sue Rowland

Mayor McAlister called the meeting to order at 7:03 PM and welcomed everyone in attendance. He thanked the Chatham County Board and staff for traveling to Cary for the meeting.

**INVOCATION**

Chairman Emerson delivered the invocation.

**DISCUSSION**

Following dinner, Mayor McAlister stated the largest issue currently facing the Cary Town Council is the Forest Oaks development; that a portion of the development represents people who currently live in Chatham County who have come to them for and requested annexation so that Cary will provide them with utility services to improve their properties; that the only way these people will be able to improve their properties is if Cary provides services; and that after the Forest Oaks issue, he foresees similar requests from Chatham citizens. He stated that the two boards need to work together with a plan to guide in the spirit of cooperation and stressed the importance of communication. He stated that the

Cary Town Council had already held a public hearing on Forest Oaks and will not again entertain comments on that development.

Chairman Emerson thanked the Cary Town Council for hosting the dinner meeting and stated the Board of Commissioners appreciates the opportunity to get to know the people of Cary. He announced that Commissioner Atwater would be unable to attend the meeting due to back surgery. He stated that geography makes Cary and Chatham neighbors; that they need to avoid future problems to the extent possible; that he realized the boards were not going to agree on everything, but that they could agree to disagree without being disagreeable; and that the economic engine continues to drive growth in the region.

Mayor McAlister suggested each elected official have an opportunity to speak about their issues of concern.

Cary Council Member Marla Dorrel thanked everyone for attending. She stated that she did not know Chatham Board members well except for Commissioner Morgan whom she has known for years. She congratulated Chatham County on its development fees for schools. She stated that a good relationship between both communities is a major concern for her; that also of high importance is how both governing bodies work together on environmental issues regarding land and water; that it is important how both groups move forward during the process; that the people be allowed to be heard; that she had spent time reviewing Chatham County's water expansion plans and ordinances; and that she looks forward to learning more about Chatham County and working together on regional issues.

Commissioner Pollard thanked the Cary Town Council for dinner and the invitation to speak on issues of mutual importance. She stated that the protection of Jordan Lake is high on her priority list; that she feels that it is reasonable that both boards can work together so that development occurs in such a way that protects the quality of life; that she feels that both boards' objectives are the same albeit reached in different ways; that both groups should identify objectives for mutual areas of interest; and that she looks forward to working with the Cary Town Council as long as she is a Board member.

Cary Council Member Jennifer Robinson stated that she was interested in hearing Chatham County's viewpoint of Cary specifically with regard to Forest Oaks; that it is important for her to understand Chatham's concerns; that both boards should plan together for this area; that Cary's Southwest Plan was proposed many months ago; that they had heard from many of Chatham's citizens who were opposed to Cary's planning for Chatham County; that the Cary Town Council made a mistake in not directly speaking with Chatham's Commissioners about the proposal; that both boards should work together to create a mutual plan for the area rather than stopping at the County border; that it is important for Cary to understand Chatham's vision; and that this can only be accomplished if both boards get together which will result in having a stronger plan for the area.

Commissioner Outz thanked the Cary Town Council for dinner. He also thanked the Council for allowing Chatham County to obtain water out of Cary's intake stating that Chatham may want to increase it in the future; that he feels that discussing problems is the only way to arrive at a solution; that most people in Chatham County are opposed to annexation by Cary; that time will cure a lot of problems; that both boards should get together more often; and that it is very important to him to maintain safe drinking water.

Mayor McAlister concurred that Cary is equally serious about safe drinking water.

Cary Council Member Julie Robison thanked everyone for taking the time from their busy schedules to come to Cary. She stated that she appreciated the opportunity to talk about who we are and what is important to us; that both boards should work together to find common objectives; that water is a

finite resource that everyone is dependent upon; and that the decisions that are made today will affect future generations.

Commissioner Morgan stated that he had been doing business in Cary for twenty years. He thanked the Cary Town Council for hosting the dinner and stated that he applauded the efforts of the County Manager, Town Manager, and their staffs; that the two staffs have been communicating for years; that the elected officials have not followed up on the staff's work; that communication has not been good; that he is looking forward to regular meetings with the Cary Town Council; that there are opportunities for both boards; and these plans must be brought together and citizens given input in the process.

Cary Mayor Pro Tem Jack Smith welcomed Chatham County officials and staff to Cary. He stated that he is one of the "Yankees" who moved to Cary and wouldn't go home; that the day he moved into town, his property was rezoned; that he was angry with rezoning and ran for office on responsible growth; that in reality, the settlers are coming; that the area of mutual interest to both parties is one of the most attractive areas in the country; that it is elected officials responsibility to make sure that growth happens in a responsible way; that they need to look at how to bring growth that strikes balance in maintaining the quality of life while deciding on development in the area; that he feels planning is the key to eliminating ill will; that they need to identify problems, look growth squarely in the eye, and not ignore it or they will be finding themselves being reactive rather than proactive; that he is embarrassed that this is the first meeting that he has had with Chatham County officials, but that he takes pride that the staffs have been working together; and that the boards should continue to work together on areas of mutual interest.

Cary Council Member Nels Roseland thanked Chatham County for attending the meeting. He stated that both communities are going through some difficult growing pains and that both have had to deal with difficult development issues; that he knows Chatham County has had to deal with The Homestead and that they still have other tough issues to consider; that both groups need to find good balance with economic development in having revenue to pay for schools and other needs; and that his biggest concerns include water quality, loss of rural character, and loss of open space. He invited Chatham to work with Cary to develop a joint water quality plan, a joint open-space preservation plan, and a joint farmland preservation plan. He stated that Cary has worked with Wake and Chatham Counties on White Oak; that both groups have done a lot individually, but more can be accomplished working together.

Cary Council Member Mike Joyce stated that he had heard from some people living in Chatham County who cannot wait to be annexed by Cary; that when he votes on Forest Oaks rezoning and annexation, he will not look at it as tax base or land grabbing; that he will look at the property rights issue of people wanting to sell their property; that regional cooperation is important to this issue and the burden falls on elected officials' shoulders; and that he is uncertain as to how he will vote on the Forest Oaks development issue.

Mayor McAllister stated that he did not hear a lot of adversity but a lot of agreement on issues important to both boards; that all feel passionately about things; that it is elected officials responsibility to deal with the issues not avoid them; that solutions can be reached through communication; that the important issue is how to move forward on the mutual issues of interest to both groups; and that the most important decision that Cary must make is about the Forest Oaks development. He asked that Chatham County submit comments about the Forest Oaks development and those that will be submitted in the future.

Chairman Emerson stated that many eastern Chatham residents are apprehensive about the Forest

Oaks development; that some of the citizens want a clear distinction with the County line, but that it would not be legally defensible under State law; that he has been contacted by some Chatham County residents who are in favor of Cary providing services to their properties; that Chatham County cannot provide the same service; that they know that Cary is the seventh largest city in the State and some citizens are afraid that "one inch will lead to one mile"; that this will lead Cary to Jordan Lake; that Forest Oaks is Cary's decision but that there will be future decisions to come; that both groups need a policy or at the very least a "gentleman's agreement" so that neither group is blindsided and citizens know what to expect; that people are more apprehensive of the unknown; and that a plan is important for the future.

Mayor McAlister stated that they are dealing with voluntary annexation from landowners in Chatham County who have requested it; and that they are a world away from going in and taking people's property.

Commissioner Pollard asked if Cary has any plans to involuntarily annex into Chatham County.

Mayor McAlister stated that the current Cary Town Council has no plans at this time to involuntarily annex into Chatham County; and that the voluntary annexation request associated with Forest Oaks is not the first Cary annexation into Chatham County.

Commissioner Pollard stated that Chatham citizens want to be reassured that Cary has little interest in and will not annex unless at the request of a landowner.

Cary Council Member Jennifer Robinson stated that in 2001 when the Cary Town Council began discussions of the importance of protecting the water quality of Jordan Lake, they agreed that a plan would be necessary in order to not have high density development around the lake; that Cary staff determined that the western area was too large to be considered one plan; that they agreed to break it into two sections: higher densities in the northwest (close to Research Triangle Park) and lower densities in the southwest (close to Jordan Lake); that the council agreed to higher density development in the northwest area and lower density in the southwest area; that when staff prepared the first draft of the southwest plan, it included the entire area all the way to Jordan Lake; that she agreed with this because logic indicates that people may want to be a part of Cary for future development; that she does not think the County line should be a big factor; that she feels it is sensible to plan for future development; that she does not want to face future Forest Oaks types of requests without having a good plan in place; and that she hopes that the Forest Oaks development is the last development that Cary has to deal with that is not a part of a plan for future development.

Cary Mayor Pro Tem Jack Smith stated that Forest Oaks, in its initial stage, was too dense to be on the Chatham County side of the development; that the plan has been repeatedly tabled; that because of the delay, the applicant revised the plan to take into consideration many of their concerns; that the council respected the public's feedback which in turn forced the applicant to improve the plan; that the council did not meet with Chatham County officials about the plan, but that they did hear the concerns of the people and were rigorous on putting demands on the developers in response to the concerns; that he received information from the Institute of Government where he learned that the county line is not sacred; that there are twenty-two municipalities, in at least two counties and more in some; and that planning is critical.

Cary Council Member Julie Robison stated that it is important to note that the Chatham County Board of Commissioners have asked Cary not to cross the County line; that it is important to work together to move forward; that she is concerned about the status of the Chatham County resolution opposing any annexation by Cary into Chatham County; and that she wants to learn more about this

from Chatham County officials and understand how to best interpret that in light of the Forest Oaks decision and for future decisions. She urged both staffs to find a way to ensure, that early in the planning process for any development project that straddles the county line, both boards review the project for their feedback.

Chairman Emerson stated that he wrote the resolution; that he encouraged everyone to read it carefully because it stated that the Chatham County Board of Commissioners was opposed to the annexation of land in Chatham County by the Town of Cary without consultation with the Chatham County Board of Commissioners; that Chatham County was not consulted nor contacted with the Forest Oaks proposal and the Board was perturbed by this lack of consideration; that the Town of Cary mailed letters to twelve hundred Chatham County citizens; that the Board of Commissioners did not know of these letters until they began receiving telephone calls and e-mails from its citizens; that he expects the past to remain in the past and he doesn't expect this type of thing to happen again; that Forest Oaks is the immediate issue, but there will be another and another; that it is mandatory for both groups to reach a joint policy statement or planning instrument so as not to be blindsided in the future.

Cary Council Member Mike Joyce stated that he wanted to go on record opposing involuntary annexation; that he thinks that the Cary staff has been wrong in their pursuit of involuntary annexation in the past; that it has given Cary a bad image; that they would not want to upset the population; and that he thinks everyone has learned a lesson from these experiences.

Cary Council Member Jennifer Robinson stated that Cary staff had been meeting with Chatham County residents to build a better southwest plan; that staff was correct in inviting the people who would be affected by the plan; that they have a lot of praise for staff but that they make a lot of mistakes; that their approach was incorrect; and that it had given Cary a bad image. She apologized for not including the Board of Commissioners stating that these meetings were never a call for involuntary annexation and were misinterpreted by many Chatham County residents.

Mayor McAlister stated that the Cary Town Council wants to proceed by working together; that if working alone had been their intent, they would not have bothered to invite Chatham County to the night's meeting; that he was pleased to hear agreement between both groups that the past is in the past and that both groups desire better communication.

Council Member Marla Dorrel stated that the resolution is still on the table. She asked how the Board felt about the resolution at this time. She stated that it would never be her intention to go against what Chatham County believes to be right; that she wonders if the resolution would still stand today; that she is not satisfied with leaving everything to chance; that she feels that Forest Oaks is a small piece of something much larger to come; and that she looks forward to working with Chatham on the joint policy or planning document.

Commissioner Morgan stated that Cary's past action has caused an uproar; that Chatham residents have the feeling of being run over; that he realizes that Cary now has different leadership; that the present council has been caught in the middle; that Forest Oaks is a small piece of a larger issue; that Forest Oaks is one thing, but that Cary should not be doing too much planning in Chatham County; that he wants to work with Cary in the planning process; and that he feels that Forest Oaks is pretty much a "done deal" because people have requested the annexation. He thanked the Cary Town Council for taking action to eliminate Chatham County from the southwest plan immediately after their meeting with residents.

Commissioner Pollard stated that she wanted to be involved in any planning that occurs in Chatham County; that Forest Oaks is one thing, but planning in the vicinity of the lake is very different.

Chairman Emerson informed those in attendance that Commissioner Atwater is very opposed to Forest Oaks.

Cary Council Member Julie Robison stated that many important issues were discussed at the night's meeting. She encouraged the group to think about the next steps and to capture the momentum and to think about what lies ahead. She suggested that both groups form a small ad-hoc working group of elected officials and key planning staffs.

Mayor McAlister applauded Ms. Robison's idea. He stated that he will be happy to work with the Cary staff.

Chairman Emerson stated that he would be happy to work with Chatham County staff and then communicate with Cary.

Mayor McAlister thanked everyone from Chatham County for attending the meeting. He stated that some of the problems could have been avoided if both groups had met earlier in the process; that it was important to the Cary Town Council that both groups get along and communicate; and that it was very important to continue with the momentum established at the night's meeting.

Mayor McAlister adjourned the meeting at 8:58 PM.

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Thomas J. Emerson, Chairman

ATTEST:

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