

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
SEPTEMBER 20, 2004

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 September 20, 2004.

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

The meeting was called to order by the Chairman at 6:14 PM.

PLEDGE OF ALLEGIANCE AND INVOCATION

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

AGENDA

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

Chairman Emerson asked that Item #21, Consideration of a request to close certain unopened streets and alleyways (portions of Lane Avenue, Aycok Street, Buffalo Street, Liberty Street, Maple Street, Ward Street, and Scotten Street) in the Village of Bennett and that Item #22, Resolution Promoting Health Department Accreditation In North Carolina, be deferred until the October 4, 2004 Board of Commissioners’ meeting.

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

CONSENT AGENDA

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

Commissioner Morgan moved, seconded by Commissioner Outz, to approve the Consent Agenda as follows:

1. **Minutes:** Consideration of a request for approval of Board Minutes for Regular meeting held September 7, 2004, Work Session held September 7, 2004 and Recessed meeting held September 13, 2004

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

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

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

3. **Charging off 1994 Tax Bills:** Consideration of a request to charge off 1994 tax bills

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

4. **Refund of Overpaid Excise Stamps:** Consideration of a request by Jennifer S. Andrews, Attorney for a refund in the amount of \$260.00 for overpayment of excise stamps, letter attached hereto and by reference made a part hereof.

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

5. **Subdivision Final Approval of "Colvard Farms, Phase IV":** Consideration of a request by North Chatham, LLC for subdivision final approval of **"Colvard Farms, Phase IV"**, consisting of eight lots on approximately twelve acres, off Highway #751, Williams 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).

6. **Subdivision Final Approval of "Chapel Ridge, Phase I, Sections F, G and H":** Consideration of a request by Jordan Lake Preserve Corporation for subdivision final approval of **"Chapel Ridge, Phase I, Sections F, G, and H"**, consisting of 121 lots on approximately 59 acres, on the west side of Old Graham Road, State Road #1520, Hadley Township

As per the Planning Department and Planning Board recommendation, final approval of Chapel Ridge, Phase One, Sections F, G, and H were granted with the following conditions:

1. New entrance roadway from NC Highway #87 shall be constructed to the North Carolina Department of Transportation public road standards prior to final approval of lots in Phase II or the issuance of building permits for 50 houses, whichever occurs first.
2. Sidewalks shall be provided along the public road from NC Highway #87 and along the private road from Old Graham Road, State Road #1520, to the clubhouse recreation area and ultimately along the road to the public recreation area if the County approves one.

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

7. **Subdivision Final Approval of "Bobcat Point Subdivision Phase IV (Lots 93-96)":** Consideration of a request by Ricky Spoon for subdivision final approval of **"Bobcat**

Point Subdivision Phase IV (Lots 93 – 96)", consisting of four (4) lots on approximately twenty acres, located off Emerson Cook Road (State Road #1559), 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).

8. **Subdivision Sketch Approval of "Cedar Grove, Phase II"**: Consideration of a request by Mac Development for subdivision sketch design approval of **"Cedar Grove, Phase II"**, consisting of eleven lots on approximately thirty-five acres, off Jones Ferry Road (State Road #1540), Baldwin 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. **Subdivision Sketch Approval of "The Estates at Windfall Creek, Phases I and II"**: Consideration of a request by Contentnea Creek Development Co. on behalf of the H. H. Swann, Estate and the Betsy T. Seymour Estate, for sketch design review of **"The Estates at Windfall Creek, Phases I and II"**, consisting of 55 lots on approximately 290 acres, off S. R. 1716, Big Woods Road, New Hope Township

As per the Planning Department and Planning Board recommendation, sketch design of The Estates at Windfall Creek, Phase I and II was approved as submitted.

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

10. **Subdivision Sketch, Preliminary and Final Approval of "Baldwins Mill Corporation"**: Consideration of a request by Grimsley T. Hobbs, Jr., for a variance from the Chatham County Subdivision Regulations, Section 6.4 C., Minimum Lot Dimensions and Areas, (1) Residential Lots and for subdivision sketch, preliminary and final approval of **"Baldwins Mill Corporation"**, consisting of one subdivision lot on approximately twenty acres, off State Road #1520 (Mt. Olive Church Road), Hadley Township

As per the Planning Department and Planning Board recommendation, the variance request and sketch, preliminary, and final subdivision request were granted as requested.

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

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

A. **Creasons Drive**

B. **Piper Lane**

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

END OF CONSENT AGENDA

PUBLIC INPUT SESSION

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

CHATHAM COUNTY VOLUNTEER RECOGNITION

Chatham County Volunteer Recognition Awards: Consideration of a request to recognize Chatham County volunteers for outstanding service

Chairman Emerson read each volunteer's activities summary and presented each recipient with a certificate of appreciation from the Board of Commissioners as follows:

Mary Frankye Alston is a Siler City resident and recently retired Cytotechnology Instructor who would "rather take action than talk about action," and she has devoted many hours to improving the health and educational opportunities for residents of the Lincoln Heights Community and throughout Chatham County. As President of the Voices for Action organization she helps to coordinate activities such as a community clean up and political forums to help residents improve the quality of life in their neighborhood. She is also a member of the Breathe Easy Coalition, helping to promote public health awareness of the effects of smoking and local tobacco cessation resources, and the African American Democratic Caucus, helping to educate voters and support their participation. Frankye also works for positive change by assisting 3rd and 4th grade students with homework after school at the TeenWorks Teen Center.

Debbie Bousquet is a Pittsboro resident who has volunteered for more than three years with the Chatham Arts Council, serving as the Secretary to the Board of Directors and a Coordinator of volunteers and special events to benefit the arts and artists in Chatham County. Her energetic leadership and willingness to do things big and small have helped Chatham Arts to successfully bring Clydefest, SOLAZO, and other performing and visual arts experiences to our area. Debbie's volunteer commitment to the arts and the Arts Council's administration is especially noteworthy because she balances her many volunteer commitments with full-time employment.

Warner Eckman is a Fearington Village resident and retired engineer who is being honored for his outstanding leadership as a member of the Habitat for Humanity Board of Directors for the past two years. As Chair of a new Church Relations Committee, he introduced a very successful development effort, utilizing the "Apostles Build" model in which small faith communities to join together to help build affordable home ownership opportunities in partnership with families in need. To date, Warner's extraordinary outreach efforts and willingness to try different approaches to mobilize congregations have yielded many new volunteers and over \$50,000 for the construction of two Habitat houses.

Henry Galary is a retired textile engineer and Siler City resident who has volunteered with the Council on Aging for ten years in various programs, including the home delivered meals program, Senior Center activities and special events. He donates about fifteen hours per week to improve the lives of seniors in Chatham County, always offering to help when needed. As a charter member and Treasurer of the local American Association of Retired Persons (AARP) Chapter for the past five years, Henry has also initiated very successful fundraising projects and educational programs.

Evelyn Garrett is a Pittsboro resident who volunteers an impressive 20-30 hours per week with the Council on Aging as a Nutrition Program Assistant, receiving and packaging food for the home delivered and congregate meals programs, and assisting staff to carry out activities for many other programs. She has a special ability to make all clients feel welcome, and she is always willing to lend a

helping hand. Evelyn's daily commitment of time over the past eight years is truly extraordinary, and her personal efforts to educate residents about available services have made a significant difference in the Council on Aging's ability to meet the needs of seniors throughout Chatham County.

Gold Kist Inc. (Represented by Barbara Butler and Gabriel Soltren)

The employee volunteers from Gold Kist, Inc.'s Siler City poultry processing facility are being honored for providing sustaining exceptional volunteer service over the past five years to the students at Siler City Elementary School's Intercede to Succeed program. This year 24 employees helped struggling first and second graders by visiting the school each week to provide one-on-one reading and writing tutoring and mentoring. Gold Kist has allowed volunteer work to be performed with pay during scheduled work time, a policy that has enabled the participation of employees who might not otherwise have the opportunity to serve children during school hours. Many volunteers are Latinos who are especially effective teachers and role models for students and parents for whom English is a second language. Gold Kist encourages employees to make a difference with its support of special projects for other local groups as well, including Relay for Life, Habitat for Humanity, United Way, and the Siler City Police Department.

Dr. James Holt is a family practice physician and Pittsboro resident who is being honored for his continued commitment to ensuring the provision of hospice services to Chatham County's terminally ill patients and their families. He founded Hospice of Chatham County in 1983 (for which he was honored with the Governor's Award in 1990). When this agency became part of the UNC Healthcare system in 1999 Dr. Holt agreed to continue to serve as its Volunteer Medical Director. In this role, he has continued to consult with Hospice's interdisciplinary teams of professionals and volunteers to review patient care plans and help develop policies, procedures, and programs. Over the years his efforts have made it possible for thousands of Chatham County individuals and their families to experience compassionate, high quality care at home in the final phase of their lives. Dr. Holt also generously donates his time and talents to other community organizations, including Chatham Animal Rescue and Education and Family Violence and Rape Crisis Services.

Marjorie Hudson is a Pittsboro resident and author whose many hours of volunteer service have enriched the cultural life of Chatham County. She currently serves as President of the Friends of the Pittsboro Memorial Library and has helped this organization to double its membership to 500 and increase public and private resources to help the library meet growing service demands. Under Marjorie's leadership the Friends have sponsored new arts projects and a very successful "Community Reads" program with lectures and author readings. In addition, she dedicated seven years to develop the George Moses Horton Historic Poet Laureate Project and two years directing the Chatham Coffee House performance series at St. Bartholomew's Episcopal Church. Marjorie also makes time to inspire young people to discover their talents by serving as a Chatham County Together! Mentor with three junior high school girls.

Vanessa Kellam is a Pittsboro resident who volunteers at least ten hours per week as a positive role model for Girl Scouts in Chatham County. She has excelled in many simultaneous service roles with the Pines of Carolina Girl Scout Council, including Girl Scout Leader, Area Training Manager, Service Unit Manager, Adult Recognitions Coordinator, and Delegate to the Council. Vanessa is being honored not only for her exceptional reliability, but also for her many talents for encouraging others to get involved with Girl Scouts, and to support and recognize their development and volunteer accomplishments. Vanessa's deep commitment to quality educational experiences for children is also exemplified by her five years of participation in the Perry Harrison School Parent Teacher Association (PTA), including a recent term as President.

Mary Lorenz volunteers as a mentor and companion to clients at Family Wellness and Recovery Services (Hope Meadow). She regularly visits mothers and their young children at Hope Meadow, a residential facility in Northern Chatham County, and makes special trips to visit new mothers while they are in the hospital. She offers personal support by sharing lunch, obtaining donations for their personal needs, introducing them to recreational activities such as yoga and needlework, and by listening and sharing her own parenting experiences. Mary's personal interest in these women's successful rehabilitation has provided much needed encouragement as they strive to build a healthy future for their families.

Susan Mosca is a Pittsboro resident who contributes 10-20 volunteer service hours per week in multiple areas of the Family Violence and Rape Crisis Services operations in addition to her full-time duties as the manager of the Second Bloom Thrift Boutique. This "renaissance volunteer" applies her limitless energy and creativity to help with whatever needs to be done – support group child care, obtaining goods and services for shelter residents, and helping with all special events. Her enthusiasm inspires coworkers and clients to bring new ideas and achievements to the agency. In addition to her work with FVRC, Susan also tutors children at Pittsboro Elementary School.

Don Pio is a North Chatham resident who has contributed an extraordinary amount of time and effort serving as the book donations specialist for the Cole Park PTA Thrift Shop over the past two years and tutoring first and second grade students in reading at Perry Harrison School for over five years. At the thrift shop, Don spends 5-10 hours per week sorting, organizing, and displaying donated books. His ability to single-handedly manage this department allows paid staff to devote time to other activities and thus improves the store's efficiency. Last year Don assigned all his volunteer service hour credits – equivalent to \$2000—to help Perry Harrison School's Intercede to Succeed tutoring program purchase educational materials. He also devoted personal time each week to four students, working one-on-one with them and their teachers to help strengthen academic skills critical to their future success.

Rita Spina is a nationally recognized artist and Fearrington Village resident who has devoted many years to strengthening the physical, social, and cultural vitality of Chatham County's residents. In addition to being a founding participant in the Chatham County Arts Studio Tour program, now in its 11th year, she is being honored for sharing her talents for developing and sustaining social programs to address health and information needs of our residents. Over the past twelve years she has assisted the Chatham County Public Health Department in many ways, including serving as a founding member of Coalition for Adolescent Health and the HIV/AIDS Council, now the independent Chatham Social Health Council. Rita led the development of the Fearrington CARES community nursing program in Pittsboro and the adoption of a similar program in Siler City's Jordan Grove community. More recently, she has worked with Chatham Citizens for Effective Communities, a group that encourages collaboration between officials, residents, and developers.

PLANNING DEPARTMENT

Zoning and Ordinance Amendments - Public Hearings:

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

Public Hearing on Conditional Use Permit within Existing RA-40 on Lystra Church and Jack Bennett Roads: Public hearing to receive public comments on a request by MacGregor Development Co. for a Conditional Use Permit within the existing RA-40 zoning district for a Planned Residential Development, for 180 lots on 294 acres, off State Road #1721 (Lystra Church Road) and State Road #1717 (Jack Bennett Road), Williams Township

Nick Robinson, attorney, representing MacGregor Development Company stated that they are proposing Booth Mountain on a three hundred acre tract between Jack Bennett Road and Lystra Road; that they are only required to provide notice to adjoining landowners, however, they extended notices to forth-two adjoining and nearby landowners; that there is an informational meeting to be held on September 29, 2004 at North Chatham School; that MacGregor has a reputation of quality in the Triangle; that the decision that the Board needs to make is relatively straight forward; that the zoning already allows for 275 lots; that MacGregor is proposing only 180; that this is only 65% of the total density allowed; that some lots will be smaller than an acre to allow for more conservation efforts; that the smaller lots will be less expensive; that there are three different sections; and that it abuts the land bought by Chatham County for a potential new high school.

Mark Ashness, engineer with the CE Group, stated that the area is zoned RA-40; that there are some flood plain areas; that this plan is really three subdivisions in one; that there are physical and geographical limitations; that there is a common amenity area and a pedestrian trail that connects all; that the Estate section has terrain issues that require bigger lots; that the Herndon Creek area is preserved; that the Neighborhood lots are just under an acre; that the homes are closer to the street; that the Village area has its own recreational area; that the entry points on Jack Bennett are far enough apart to allow proper access; that the Estate area would be gated; that there is at least 240 feet of undisturbed area around Herndon Creek; that gas, power, and cable are readily available; that it is also proposed to link to the water line; that there will be an on-site treatment plant; that property owners in the development surround the treatment plant; that the total impervious surface is 18.5%; that the build-out schedule is based on an eight-year build-out.

Rynal Stephenson, with Ramey Kemp Engineers in Raleigh, and has reviewed the traffic assessment of the property; that the traffic counts indicate Jack Bennett and Lystra Roads will be able to handle added traffic; that they took into account school traffic and other developments in the area; that the future high school was also taken into account; that the three-site driveways were analyzed; that there will be relatively minor traffic during the morning and afternoon peak hours; that traffic was also analyzed from Chatham Downs and Briar Chapel and that the site driveways operated at the same level of service; that none of the developments would put the roads under stress; that he met on-site with the Department of Transportation (DOT); and that the DOT approved the proposed site plan during the on-site visit.

Jim Beason, with Soil and Environmental Consultants in Greensboro, stated that he analyzed the Booth Mountain community; that they looked at this site twice; that the soils in the northern section are far superior to those in the southern area; that the reuse field is in the proper location; and that the soils meet the criteria for the reuse field.

Ed Andrews, stated that he is a licensed geologist and soil scientist; that spray irrigation is good on any of the soils in the development as long as the soils are managed properly; that the water is good quality; that it can be measured around weather systems; that it is good for vegetation; and that it meets all state and local requirements.

Robert Eby asked how the one-hundred-day holding ponds were sized and stated that the Board may consider increasing the size of the holding pond so that if excessive rainfall comes, there will be no overflow conditions.

Dave Watts stated that he is an adjacent property owner on the east boundary line and is closest to the waste treatment plant and spray field areas. He asked if he correctly heard that the ponds are designed so that the water does not leave the site.

Lee Fleming stated that he is an engineer; that the wastewater treatment plant that is being considered is an advanced tertiary wastewater treatment plant; that other similar systems have been permitted through the Division of Water Quality (DWQ); that they expect the plant to contain units such as equalization, aeration, clarification, tertiary filter, dual disinfection, and other processes; that the regulations require dual aeration, dual clarification, dual filtration, and all mechanical equipment must be one hundred percent rated; that there has to be one hundred percent rated power generation with automatic transfer switch; that there has to be constant monitoring of the plant's turbidity; that there has to be a flow meter and flow sampler; and that if the turbidity meter reads greater than ten, they must send what is defined as untreated wastewater to a five-day storage holding pond for recirculation and retreatment should the waste not meet the standards.

Todd Preuninger, with Soil and Environmental Consultants in Greensboro, stated that he completed stream and wetland analysis; that Herndon Creek has significant aquatic function; that there will be no crossing on that area; that the site plan is designed to comply with Corps of Engineers requirements; that an endangered species study was done and none were found; that there are no recorded historic buildings; that there are possible state and federal species that flower in the spring and the follow-up will be conducted in spring; that Herndon Creek area has been timbered in the past; and that wildlife corridors allow safe passage of wildlife from one wooded area to another.

Lucy Gallo stated that she consulted with MacGregor Development on the preparation of the fiscal impact analysis; that she concluded that the net additional tax base to Chatham County would be \$87.9 million; that this was based on an average of 180 units at an average market value of \$488,000.00; that this is based on the home and lot together; that the range of home values would be \$280,000-750,000 in the development; and that the net annual incremental tax revenues to Chatham County, including property taxes and sales tax, are estimated to be \$653,000.

Nick Robinson stated that this development is far less than many others in the area that were approved without fanfare; that it is in an area that the County has directed for residential development; that it allows for the protection of Herndon Creek; that he feels that this is a fairly simple matter for the Board; that they have had many similarly sized subdivisions, as this one, in the County approved; that it is responsible use of the land in a manner that is less intrusive than even what the existing ordinance contemplates; that the proposal calls for less density than is already allowed under the law; that it allows for the protection of unique Chatham County geographic feature by establishing a minimum of hundred foot buffers on either side and up to 360 feet in some places; and that that is unique in their proposed subdivision.

BREAK

The Chairman called for a ten-minute break.

The Board discussed continuing the public hearing on October 4, 2004.

Robert Waldrop stated that he lives on a parcel that is bordered on two sides by the proposed development; that he obtained a copy of the soils map that was submitted with the application; and that the soils to the south are less permeable. He questioned if the soils are better in the north and if it is possible for the treatment facility to be moved. He stated that the soil survey for Chatham shows different soils.

Danny Addison stated that he lives next to the proposed development and that traffic numbers were obtained during the summer when school was not in session. He asked if the data takes into account school bus traffic versus children driven by their parents. He also stated that the accident rates

were not taken into account.

Lela Webster stated that she questioned where the footnotes are; that it did not seem right that Briar Chapel is cited as a data source; that cost of additional students (marginal cost) is more accurate; and that she would like to see marginal cost and the sources of the information would be helpful.

Robert Eby questioned the net benefit to the County.

Tom Franks stated that he questioned whether or not the wastewater treatment facility is the same as that at The Preserve; that it will contain two extra treatment sites; that he questioned whether or not it would have an odor; that he lives about 500 yards away from the treatment facility at The Preserve and he smells it occasionally; and that those that live closer smell it more often.

Halford House stated that there are two choices: 1) home site waste water disposal systems which are environmentally unfriendly and typically do not work that well; or 2) a community system as proposed; that it comes down to an engineering and economic decision as to what those options are; that each one comes with pluses and minuses; and that there are many options for wastewater treatment.

After considerable discussion, Commissioner Morgan moved, seconded by Commissioner Outz, to recess the public hearing until the October 4, 2004 Board of Commissioners' meeting at 6:00 PM. The motion carried five (5) to zero (0).

Public Hearing on Revision to Existing Light Industrial Conditional Use District for Mini-Warehouse: Public hearing to receive public comments on a request by Bill & Judy Akridge on behalf of Chatharidge Self Storage for a revision to an existing Light Industrial Conditional Use District with Conditional Use Permit for mini-warehouse storage facility to add additional land (.63 ac) and to add one (1) additional storage building, on 3.11 acres, off State Road #1724 (Old Lystra Road), Williams Township

Mr. and Mrs. Akridge were in attendance, but there were no questions asked.

Public Hearing on Revision to Existing Zoning District for Mini-Warehouse: Public hearing to receive public comments on a request by George Farrell on behalf of Farrell's Self Storage, Inc. to change the existing zoning district and conditional use permit from Light Industrial Conditional Use District with Conditional Use Permit for Mini-Warehouse Storage Facility to B-1 Conditional Use District with Conditional Use Permit for Self-Storage facility/mini-warehouse storage facility with related retail and services (i.e. moving truck rental), on 4.73 acres, off State Road #1717 (McGhee Road), Williams Township

Mr. George Farrell was in attendance, but there were no questions asked.

Public Hearing on Revision to Existing Zoning District for Mini-Warehouse: Public hearing to receive public comments on a request by IS Development Company, LLC on behalf of North Chatham Park, Lot #5, to change the existing zoning district and conditional use permit from Light Industrial Conditional Use District with Conditional Use Permit for Mini-Warehouse Storage Facility to B-1 Conditional Use District with Conditional Use Permit for restricted B-1 uses, on 5.63 acres, off Highway #15-501 North, Williams Township

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

Public Hearing for Conditional Use Permit Within Existing RA-40: Public hearing to

receive public comments on a request by David Moser – Pipeline Utilities on behalf of Lovelia Edwards for a Conditional Use Permit within the existing RA-40 zoning district for a Contractor's plant, storage yard and staging area, on 11.50 acres, off State Road #1724 (Old Lystra Road), Williams Township

David Moser, Silk Hope, NC, stated that the 11.5 acres on Old Lystra Road was used as a borrow site for construction; that his construction company has a lot of excess rock and dirt; that the vegetation is thin and worn; and that it would be maintained by a buffer; that a 10-12' high berm will be constructed; that the site will primarily be used during normal working hours; that most days it will be one truck an hour; that the site will be equipped with two-three heavy pieces of equipment; and that the equipment will be used to load and spread the material.

Julius Terrell, 1319 Old Lystra Road, Chapel Hill, NC, stated that he owns thirty acres and that his property backs up to the proposed property. He asked about the value of the surrounding property. He asked if the traffic would not be a problem with traffic and stated that the Department of Transportation did not have a conditional use permit; and that he believes that several things have been done on the Edwards property without permits in the past.

Linda Zoffer, 150 Meadow Run Drive, Chapel Hill, NC, stated that she was representing the Arbor Lea Homeowners Association and twenty landowners; that the request does not meet all five of the required findings of the Chatham County Zoning Ordinance; that even at the least amount of use there will be 2,400 trucks per year over the anticipated five year period; that the requested conditional use permit is neither essential nor desirable for the public convenience or welfare; that the requested permit will be detrimental to the health, safety, and welfare of the community; that Old Lystra Road is a narrow winding two-lane rural road without shoulders or sidewalks and is the sole means of access to the Arbor Lea neighborhood as well as many other residences in adjoining areas; that the regular and recurring presence of large, heavy dump trucks transiting Old Lystra Road and turning into and out of the subject property constitute an impediment and hazard to regular automotive traffic and to bicyclists and pedestrians who currently have little room for clearance from automobiles; that the use is inconsistent with the rural nature of the area; that the noise of dump truck operations, including the high frequency noise of back-up alarms, the low frequency noise of dump truck engines, and the concussive noise of dumped rocks, etc. is considerable and will be disturbing to surrounding property owners; that within the past eighteen months, a property of similar proximity to Arbor Lea was impermissibly but regularly used by trucks dumping loads of soil and rocks until ordered by the County to ease such an activity; and that she knows from personal experience that the noises generated by such activity were clearly audible in and disturbing to the residents of Arbor Lea.

Stepney Edwards, 110 Kennelworth, Chapel Hill, NC, stated that this area must be reclaimed; that it cannot be used for anything else; that this is an opportunity to provide an income for his mother; that they are trying to do the right thing by bringing it to the Board; that they are confident that Pipeline Utilities will do everything they are asked to do; that they have had to deal with construction trucks every day; that there are already two trucking companies on the road; and that they are trying to do the right thing.

Julius Terrell stated that he has worked hard for over thirty-four years for his property; that he didn't expect it to be put into a conditional use and used as an industrial purposes; that the residential development would not be able to sell their property due to the adjoining noise, etc.; that the application is poorly filled out with insufficient and incomplete answers; that nearby residents should not have to suffer after the Edwards' allowed the Department of Transportation to mess up the property; that people travel fast down that road; that a gravel road would throw up dust; that he asked the Board to consider the people's homes in that area before granting this request; that this will end up being an unsupervised

dump site; that he doesn't feel that the contours are exact because there is at least a twenty-five foot drop off on the east side where the dirt was removed by NCDOT; that the plat does not reflect a spring branch which begins on his land and runs through the back northeast section of the proposed dumping site; that the request does not meet any of the eligible conditional use items set forth in the zoning ordinance; that the applicant attempted to camouflage the request as a storage yard but it is a dump site; that the applicant stated that there will be no impact on property values, but common sense dictates that his property will decrease in value; that the applicant stated that the project would not create excessive noise or disturbance as noise would be minimal; that when dirt was sold from the Edwards property, noise, dust, traffic, large noisy motors, and metal banging against metal were constant; that since the site will not be supervised and dirt will be obtained from many places, there will be no assurance that some of it may be contaminated; that from the County's standpoint, the tax base of the Edwards property will not increase whereas the tax base of the adjoining properties will decrease if proper appraisals are made; that the County will likely lose some landfill fees; that he has observed appliances dumped on the property and a truck with "waste oil" pointed on the large tank enter and leave the property; that the site was also used for dumping of a large volume of debris when Carrboro cleared off the land to build a recreation park; that the Edwards chose to sell the dirt from their land; that he had not heard previous complaints that DOT left large depressions and pits in the area; and that he hopes to live his remaining years in peace and tranquility.

Kim Oglesby, 1164 Old Lystra Road, Chapel Hill, NC, stated that she is part owner of Windy Oaks Inn; that she would like to see all of Old Lystra Road with good homes; that she purchased her property in December 2000 in order to establish a bed and breakfast inn; that the historic property and former and final home of Paul Green, North Carolina's Pulitzer prize winning playwright, offers a quiet retreat with country atmosphere for staying guests; that they host events and weddings which primarily take place out-of-doors; that they are chosen because of the serene nature and opportunity to get away from noise and chaos of the city; that they feel if the request is permitted, the noise and constant running of dump trucks will prove to be devastating to her business; that her guests would be disturbed early in the morning; that she pays her property and occupancy taxes; that she has spent nearly four years building the business; that the property was chosen based on no business and industrial development in the area; that she feels the request will directly and negatively effect property values for all surrounding properties; and that if the proposal goes through, she would ask that the hours be limited.

Marilyn Chapman, 950 Old Lystra Road, Chapel Hill, NC, stated that Mrs. Edward is her mother; that her family pays taxes as well; that her father helped a lot of people; that they are not trying to take anything from anyone; that they are trying to help the family and standing up for their rights; that they cannot use the land for anything and if the hole is not refilled, the land will go to waste; that the Windy Oaks Inn is a beautiful bed and breakfast but it often causes traffic issues; that there are good things that come from it and also repercussions but they all have to live and work together; that they are not trying to be bad neighbors, but they are doing what they need to do to survive.

David Moser stated that Pipeline Utilities has operated for over twenty years as a construction company in North Carolina; that is a reputable company; that they are not there to do anything dishonest; that they have submitted a fair application for the use of the property; that they will conduct themselves in a professional manner at all times; and that they would like fair consideration of the request.

FIRE MARSHAL'S OFFICE

Public Hearing for Revisions to the Fire Prevention and Protection Ordinance: Public hearing to receive public comments on a revision of the 1993 Fire Prevention and Protection Ordinance including code reference, mission and purpose of the Chatham County Fire Marshal's Office,

aboveground/underground fuel storage tank installation/removal, fire hydrants, and fire investigations

Tom Bender, Chatham County Fire Marshal, reviewed revisions of the Fire Prevention and Protection Ordinance and opened the floor for comments.

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

Commissioner Morgan moved, seconded by Commissioner Outz, to approve the revisions to the Fire Prevention and Protection Ordinance including code reference, mission and purpose of the Chatham County Fire Marshal's Office, above ground and underground fuel storage tank installation and removed, fire hydrants, and fire investigations with any technical revisions as recommended by the County Attorney. The motion carried five (5) to zero (0). The Fire Prevention and Protection Ordinance is attached hereto and by reference made a part hereof.

MANAGER'S OFFICE

FY 2005-2006 Budget Process: Consideration of a request to adopt the FY2005-06 Budget Calendar and Budget Criteria

Commissioner Morgan moved, seconded by Commissioner Outz, to adopt the proposed budget calendar and criteria for the Fiscal Year 2005-2006 budget process, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Commissioner Morgan asked that figures based on revaluation be included at the retreat.

Imaging Project: Consideration of a request to authorize the County Manager to negotiate a contract with RHJ Associates, Inc. for imaging services

Commissioner Morgan moved, seconded by Commissioner Pollard, to approve a request to authorize the County Manager to negotiate a contract with RHJ Associates, Inc. for imaging services not to exceed \$35,000.00. The motion carried five (5) to zero (0).

BOARD OF COMMISSIONERS MATTERS

Closing of Certain Streets in the Village of Bennett: Consideration of a request to close certain unopened streets and alleyways (portions of Lane Avenue, Aycock Street, Buffalo Street, Liberty Street, Maple Street, Ward Street, and Scotten Street) in the Village of Bennett

This item was removed from the Agenda and deferred until the October 4, 2004 Board of Commissioners' meeting.

MANAGER'S REPORTS

Community Development Block Grant Public Hearing:

The County Manager recommended October 4, 2004 as the date on which to hold a public hearing on the 2004 Community Development Block Grant for a capacity building grant in the amount of \$50,000 to fund expansion of housing opportunities for working families in Chatham County.

Commissioner Morgan moved, seconded by Commissioner Outz, to set October 4, 2004 as the date on which to hold a public hearing on the 2000 Community Development Block Grant at 2:30 PM.

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

COMMISSIONERS' REPORTS

Solid Waste Request for Proposals:

Commissioner Morgan asked if the "request for proposals" for waste proposal had gone out.

The County Manager explained that they had been distributed and were expected back in at the end of the month.

RECESS

Commissioner Outz moved, seconded by Commissioner Morgan, to recess the meeting until Monday, October 4, 2004 at 6:00 PM in the Superior Courtroom. The motion carried five (5) to zero (0), and the meeting was recessed at 10:27 PM.

Thomas J. Emerson, Chairman

ATTEST:

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