

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
MEETING
OCTOBER 19, 2004

The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met in the Northwood High School Auditorium, Northwood School Road, located in Pittsboro, North Carolina, at 6:30 PM on October 19, 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; and Clerk to the Board, Sandra B. Sublett

The meeting was called to order by the Chairman at 6:30 PM.

PLEDGE OF ALLEGIANCE AND INVOCATION

- The Chairman called for a moment of silence in memory of US Army Specialist Bradley Scott Beard who was killed in action during combat operations in Iraq.

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

PLANNING DEPARTMENT

- Keith Megginson, Planning Director, reviewed the guidelines for the public hearing on Briar Chapel. A copy of the guidelines is attached hereto and by reference made a part hereof.

Jeffrey Starkweather, PO Box 217, Pittsboro, NC, stated that they learned that morning of the revised guidelines and procedures; that the five-minute limit is restrictive in a quasi-judicial hearing; that he asked that the chair be liberal about the time limit; and that he questioned whether only adjacent landowners or the applicant can ask questions. He asked that those who were sworn in to testify be able to have their written comments read into the record.

John Graybeal, 3396 Alston Church Road, Pittsboro, NC, stated that he had some concerns with the peer review process; that there were aspects of the fiscal peer review that had certain assumptions that would throw off the results; that the environmental and the traffic analysis have similar problems; that he questioned the representative from Parsons Brinckerhoff regarding what he understood about the peer review process; that the consultant felt like he had all the information he needed to complete the analysis; that the consultant stated that he had received the basic report from Kimley-Horn (retained by Newland); that they requested additional information from Chatham County and from Kimley-Horn; that the draft report was delivered to Chatham County; that after the draft report was issued, that the peer review consultant, and the peer review consultants credentials should be entered into the record; that the environmental consultants stated that they completed their own review in comparison to the Compact Communities Ordinance and state regulations; that they requested a meeting with the developer’s consultants to obtain clarifications; that he questioned the developer about the

average home price; that the developer felt that the average was correct and even may exceed the previously stated \$317,000; that he questioned where the average price was derived; that the consultant stated that it was in the report; that he questioned why Briar Chapel felt like they could sell over sixty percent of their homes above the average price; that the consultant stated that it was a wide range of houses; that the consultant stated that they relied on the lessor report to assist them with the market analysis; that he questioned how the student per capita number was .4 and not .44; that the consultants stated that they could have used .38, which was the average; and that the student generation ratio used in the report is noted in the analysis.

Mary Bastin, 22 Benchmark, Pittsboro, NC, stated that the word had gotten around that the Board was tired of being preached at; that the setup of the room had a lot to do with that; that the name calling does not serve the community well; that there are many points on fiscal impact with which everyone can agree; that real estate is up because of good schools, and good environment; that a good community can work together; that everyone needs to be working on these points; that she asks that some group takes the leadership to get everyone together; that it is not happening; that she asks that people get together and use their energy productively; that current and past planning decisions are impacting the future of Chatham; and that they must work together. (Exhibit 26)

Uva Holland, 370 M. T. Holland Road, Apex, NC, stated that she knows it is not easy to accept change but that it is inevitable; that we must govern that change to the best of our ability; that growth should be beneficial; that she has a daughter and granddaughter that live in Chatham but work elsewhere; that our County does not provide ample job opportunities for residents; that the Briar Chapel development will provide new jobs and an increase to the County's tax base; that the proposed project will contribute significantly to the County; that one can't get something for nothing; that the County cannot stay the same while surrounding counties grow; that she asks the Board to strategically plan for future generations; that this is a step in the right direction; and that she thanks everyone for their willingness to have the public hearings.

Tony Tucker, 450 Pine Lake Drive, Siler City, NC, stated that he represents the Economic Development Commission (EDC) Board of Directors; that the EDC Board represents a cross-section of interests in Chatham; that the EDC endorses this project for the following reasons: 1) That this area is one of the best to live, work and play and the growth in the Triangle will continue to spill into Chatham; 2) That Briar Chapel brings upgraded commercial areas, sites for schools, library, recreation, sheriff, emergency management services, and fire stations; that it will produce 1,400 jobs during construction and 2,400 jobs at build-out; that millions of dollars will be spent in the County; that more industry will follow; that Briar Chapel complies with the Compact Communities Ordinance; and that the EDC seeks a favorable endorsement of the project.

Dave Stallard, 649 Fearrington Post, Pittsboro, NC, stated that Mitch Renco's report showed that commercial and agriculture pay their own way but that residential development does not; that the revenue projections are a mirage; that the net annual return is incorrect; that the student population data includes census data that includes retirement communities; that another study done at the University of North Carolina showed .56 students per household, instead of .4; that another expert stated that the student ratio could actually be higher; that actual data of Southern Village in Chapel Hill showed that condos/townhomes have less student generation ratios than single generation rates; that retirees are not attracted to developments such as this; that the actual net revenue to the County actually becomes a deficit; that the deficit is actually 2.3 million dollars; that only a small amount of the work will be done by local contractors; and that the consultant's attorney stated that the greater the student generation ratio, the worse the fiscal impact. (Exhibit 27)

Gray Styers asked if Mr. Stallard had the permission from Dr. Malitsia to use his numbers in his

report and if this analysis had been reviewed by a professional; that the consultant's attorney stated that this information should not be used in these types of analysis. He also asked if Mr. Stallard had this analysis reviewed by a professional.

Jerry Kidd, Beaver Street, Siler City, NC, stated that he works for Sprint field services; that he has seen how large communities can produce significant gain; that many rural counties next to population centers have difficulty adapting; that Briar Chapel will provide a significant stimulus to the County's economy; and that he appreciates what is in Chatham.

Joseph Baysdon, 38 Twin Oaks Court, Pittsboro, NC, stated that the student generation ratio is incorrect; that most of the data generated is in Wake County; that homes with more bedrooms produce more students; that there is actually a more dynamic student generation rate; that the County will actually subsidize Briar Chapel for 35 years; that sixty-three percent of the census blocks used in the analysis is in Wake County; that less than two percent of the census blocks came from Chatham; that the County needs data that is more specific to Chatham; that homes with more bedrooms produce more students; that a five-plus bedroom home has a student generation ratio of .83 over time; that newer homes in Chatham produce more students; that he used all of Newland's numbers to do the analysis; that the revenue falls over 25 years before it picks up again; that Chatham County does not recover all the revenue lost until 35 years later; that Newland assumes one hundred percent of market value when collecting taxes; that the top three jobs created will be food services, nurses and real estate. (Exhibit 28)

Gray Styers asked what census data he used to do his analysis.

James McGurk, 86 Willow Way, Chapel Hill, NC, stated that he has a resolution passed by the Chatham Homeowners Association; that the Chatham Homeowners Association opposes the construction of Briar Chapel; that they oppose the northern connection road; that it will endanger the lives of residents and children; that the neighborhood is not designed for this; that the narrow road has ditches on either side; that there is also a blind corner; that this looks good on paper but does not fit the neighborhood and the subdivision was not designed to handle the increased traffic; that this hazard can be avoided; that Newland acknowledges that it is not necessary; that the location of the wastewater treatment plant is also a concern; that the location is less than 3,000 feet from their neighborhood; that it will have a negative affect on their property value; that there will be some odor; and that he contacted the Department of Transportation and the connection is not a priority for them. (Exhibit 29)

Bruce Raymond, 127 Persimmon Hill, Pittsboro, NC, stated that he is for sustainable growth and that he does not want anything to compromise the environment. He asked if the various parties have read the entire proposal stating that the waste water numbers differ in the report and do not state how the number was calculated. He stated that the consultants engineer stated that it was calculated on 250 gallons per day per unit; that he asked what the average number of bedrooms in the development was; and that the consultant's engineer stated that due to compliance with the Division of Water Quality conditional approval for low-flow, those numbers are used consistently throughout the proposal. (Exhibit 30)

Elaine Chiosso, PO Box 187, Bynum, NC, stated that she is representing the Haw River Assembly; that their concerns are that the headwaters of Pokeberry and Wilkinson Creeks are in the development; that they are both sources for clean water for the Haw River and Jordan Lake; that creeks run orange and brown after storms; that they have argued that it is impossible to build dense developments in environmentally sensitive areas; that the nutrients in Jordan Lake will be at dangerous levels; that Chatham County needs to find ways to reduce polluted runoffs; that it will be a real cost to Chatham when this development pollutes the water sources even under the best circumstances of Pokeberry and Wilkinson Creeks; that the developers should provide real evidence that it will not

damage water sources; that the developers should be required to provide water analysis through five years after build-out; that Newland should pay for an outside consultant to review; and that most of the new development being built is in the Haw River watershed. (Exhibit 31)

Mary Bastin asked a variety of questions for Chatham Citizens for Effective Communities members that were unable to be in attendance.

Mr. Megginson presented a report from Alan and Allison Weakley to be entered into the record.

Jeffrey Starkweather stated he had a statement from Norman Clark (unsworn); that Mr. Clark asked that the Board of Commissioners consider whether or not this development was in the best interest of Chatham County; that no one in Chapel Hill's Planning Department was contacted about how developments of this type impact the county; that he asked whether the Board of Commissioners had thought to ask for funding for resources for the schools; that these large developments can help provide recreational opportunities and resources. He asked that smart sensible growth be followed.

Jeffrey Starkweather asked a series of questions of the developer. He asked that water quality requests/reports be made a part of the record. He asked about the spray field for the wastewater and then asked questions regarding the traffic analysis.

Alan Smith, 594-B Fearington, Pittsboro, NC stated that he has three questions regarding traffic. He stated that his concern is on the size and the pace of this project. He questioned when incorporation will be talked about stating that Briar Chapel will be twice as big as Pittsboro and that there will be 31,000 new trips a day. He asked what kind of design work went into the expanded Highway #15-501 and how many miles of roads will be built inside the development. He asked if the developer could estimate the number of construction vehicles over the build-out period. He asked if the developers could estimate the cost of maintenance problems on Highway #15-501 and other state maintained roads particularly the mud.

Mike Schiller, 103 Nodding Oak, Chapel Hill, NC, stated that he represents the residents of Polk's Landing subdivision; that their concern was with the connecting road; that the cut-through is unnecessary; that the access roads to Briar Chapel would be adequate according to Newland Communities; that Polk's Landing residents feel the road is unsuitable because it has blind curves, driveways, and a community park; that there is no centerline nor any sidewalks; and that they have a petition and a statement for submittal.

Chet Burgess stated that he is a small builder and contractor; that he supports Chatham Schools; that Briar Chapel will contribute over nine million dollars in fees and offsetting land value; that their contributions will benefit the entire County; that he is forced to shop in other counties for his needs; that he feels there are many other residents in North Chatham that can benefit from the proposed commercial development; and that many of the service areas, fire, EMS, and Sheriff will benefit. He urged the Board to pass the proposal.

Newton Carpenter stated that he felt like there was much more opposition than support; that Chatham County is the second fastest growing county in North Carolina; that the attraction of Chatham County is not because of developments like Briar Chapel but because there are no developments like Briar Chapel; that he doesn't know of any jurisdiction that has rejected development; that residential development has a negative cash flow, not positive; that Newland has stuck their finger in every area in North Chatham; and that they will destroy all the surrounding communities.

Richard Van Iten stated that he was present to speak on behalf of the Fearington Homeowners

Association; that they support intelligent development; that the context in which Briar Chapel is being considered is changing; that Briar Chapel is not an experiment; that traffic will become increasingly troublesome for all residents; that Briar Chapel numbers should not exceed 1,750 units and a mass transit program should be included; that this project needs to be internally related with all the others in the area; that Briar Chapel is no longer just a learning opportunity; and that ample time needs to be provided before Briar Chapel is allowed to proceed to the next phase of development. He asked how the Board will follow up and check in to make sure that the promises have been fulfilled and if the Planning Board had developed a plan to establish a capacity for development in north Chatham. (Exhibit 32)

Mary Bastin asked questions of the developer.

Linda Jacobs stated that she is a business person in Chatham County; that she asks the Board of Commissioners to approve the project; that Chatham County is not an economically viable spot on the radar; that the County has lost many businesses; that many businesses see Chatham as unwelcome and unfriendly; that Briar Chapel places word to the business sector; that this community is smaller than the final build-out for Fearington Village; that this development will bring a younger community to Chatham; that these people will patronize local small businesses; that this development creates a win-win situation for Chatham County; that it has a variety of housing; and that this project will benefit all people of Chatham County.

Marti Hipple stated that if Briar Chapel meets the Compact Communities Ordinance, there is no choice but to approve the development and in some areas they have exceeded the requirements; that no other development has offered so many freebies; and that Fearington Village went through the same fight as Briar Chapel and has turned out to be an asset to the County.

George Lucier stated that he has read the entire proposal; that the exchanges between the peer reviewers and the developers put doubt in the residents mind about the confidence in the peer review process; that he questioned what type of directive peer reviewers received; that he asked what changes were made in the peer report after meeting with Newland; that the town center must be pedestrian accessible; that gathering points must be interconnected; that crossing a busy four-lane highway is not pedestrian friendly; and that a pedestrian overpass could be constructed to alleviate this problem.

Mr. Hipple stated that the price of gas is going up and Chatham can deal with growth.

Marjorie Hudson stated that since the year 2001, the Board has had before them a study for new library facilities; that no ground has been broken nor any land bought; that Newland has offered to donate 10,000 square feet of space for a library; that they recommend a 23,000 square foot library; that under funding libraries in Chatham County has been a problem; that they have less than the recommended space used in Pittsboro; that children's services will not be fulfilled; that there will be no space for computers; that she challenges the Newland Communities to provide adequate space for a library; and that the community/civic space could be used. (Exhibit 33)

Greg Isenhour stated in Cary, town leaders were faced with differing views; that there seems to be a lot of "what ifs" and fear if growth comes; that he has fears about what happens if Briar Chapel is not approved; that the County already needs help; that Newland Communities offers much more than a small builder would; that they offer better schools and economic viability; and that he encourages the Board to move on.

RECESS

The Chairman recessed the meeting until Tuesday, October 26, 2004 at 6:00 PM to be held in the Superior Courtroom, Pittsboro, NC. The motion carried five (5) to zero (0), and the meeting was recessed at 10:40 PM.

Thomas J. Emerson, Chairman

ATTEST:

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

****(All exhibits are stored in the supply closet of the Office of the Clerk to the Board.)**