

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
DECEMBER 12, 2005

The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met in the Superior Courtroom, 1 Hillsboro Street, Pittsboro, North Carolina, at 6:00 PM on December 12, 2005.

Present: Chairman Bunkey Morgan; Vice Chair, Tommy Emerson; Commissioners Patrick Barnes, Mike Cross, and Carl Outz; 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 6:05 PM.

PLEDGE OF ALLEGIANCE AND INVOCATION

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

ORGANIZATION OF THE BOARD

Election of Chairman and Vice Chairman

Chairman:

County Attorney, Robert Gunn, presided over the organization of the Board. He opened the floor for nominations for Chairman of the Chatham County Board of Commissioners.

Commissioner Emerson nominated Commissioner Morgan for Chairman of the Chatham County Board of Commissioners. Commissioner Outz seconded the motion.

Hearing no other nominations, the presiding officer called for a vote for Commissioner Morgan as Chairman of the Chatham County Board of Commissioners. The motion carried five (5) to zero (0).

Vice Chairman:

Chairman Morgan opened the floor for nominations for the Vice Chairman of the Chatham County Board of Commissioners.

Commissioner Outz nominated Commissioner Emerson for the office of Vice Chairman. Chairman Morgan seconded the motion.

Hearing no other nominations, the Chairman called for a vote for Commissioner Emerson as Vice Chairman of the Chatham County Board of Commissioners. The motion carried five (5) to zero (0).

The Chairman thanked the Board and staff for their hard work on the many actions taken by the Board during the past year. He challenged the Board to begin planning for the future and invited the public to attend the upcoming January Board summit. Location is to be announced.

APPOINTMENT OF COUNTY ATTORNEY

Chairman Morgan moved, seconded by Commissioner Outz, to reappoint Robert L. Gunn as the County Attorney. The motion carried five (5) to zero (0).

The County Attorney thanked the Board for the confidence they have placed in him over the years and pledged to do the best he can to represent them another year.

APPOINTMENT OF CLERK TO THE BOARD

Chairman Morgan moved, seconded by Commissioner Cross, to reappoint Sandra B. Sublett as Clerk to the Chatham County Board of Commissioners. The motion carried five (5) to zero (0).

The Clerk thanked the Board for their continued support.

AGENDA AND CONSENT AGENDA

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

Commissioner Barnes asked that his appointment to the Recreation Advisory Board be tabled until a later date.

Commissioner Cross asked that an appointment to the Mid-Carolina Workforce Committee be added to the Agenda under Boards and Committees.

Chairman Morgan asked to remove the consideration of a request by Wrenn Brothers, Inc. for subdivision sketch design approval of "Knoll Ridge Estates, Phase 2" from the Consent Agenda and that it be placed on the Regular Agenda for discussion.

Chairman Morgan asked that a public hearing for March 21, 2006 on the Cell Tower Ordinance be added to the Consent Agenda.

Commissioner Emerson moved, seconded by Commissioner Cross, to approve the Agenda and Consent Agenda with the noted requests as follows:

1. **Minutes:** Consideration of a request to approve Board minutes as follows:

November 21, 2005 Regular Meeting
November 21, 2005 Work Session

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

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

- A. Elam Court
- B. Hidden View Farm Road
- C. Sandy Dowdy Road

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

3. **Notification of Changes in Flu and Pneumonia Vaccination Fees:** Notification of changes in flu and pneumonia vaccination fees due to increase in Medicare rates, attached hereto and by reference made a part hereof.

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

4. **Chatham County Six-Mile Insurance Rated Fire District Mapping:** Consideration of a request to approve the Six-Mile Insurance Rated Fire District Maps and written descriptions, attached hereto and by reference made a part hereof.

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

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

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

6. **Additional Funds Expenditure for Basic Machinery, Inc.:** Consideration of a request to approve an additional cash contribution in the amount of \$16,000.00 to defray half of the cost overrun for Basic Machinery, Inc.

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

7. **Safe Havens - Supervised Visitation and Safe Exchange Grant Program:** Consideration of a Safe Havens Supervised Visitation and Safe Exchange Program grant renewal

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

8. **Preliminary Design Approval of "Mayfield":** Consideration of a request by Fred T. Smith for subdivision preliminary design approval of "Mayfield", consisting of eleven subdivision lots on approximately 65 acres, located off SR #2182, Lonnie Fields Road, Gulf Township

As per the Planning Department and Planning Board recommendation, the road names, Pondside Drive and Mayfield Bend, and the preliminary plat were granted as submitted.

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

9. **Preliminary and Final Approval of "Governors Village, Phase 5":** Consideration of a request by Governors Village Commercial, LLC for subdivision preliminary and final approval of "Governors Village, Phase 5", consisting of 49 lots on approximately 31 acres, located off SR #1726, Old Farrington Road, Williams Township

As per the Planning Department and Planning Board recommendation, the road names, Wicker Drive, Reynolds Court, Droughton Court, and Barnhardt Court, and preliminary and final approval of the plat entitled "Governors Village, Phase 5" were granted as submitted.

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

10. **Sketch Design Approval of “Grantham Subdivision”:** Consideration of a request by Virginia M. Grantham for subdivision sketch design approval of “Grantham Subdivision”, consisting of 74 lots on approximately 96 acres, located off SR #1520, Old Graham Road, Hadley Township

As per the Planning Department and Planning Board recommendation, sketch design approval of “Grantham Subdivision” was approved with the following condition:

1. The preliminary plat be revised so that all lots have a minimum of 40,000 square feet of outside any floodable areas.

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

- ~~11. **Sketch Design Approval of “Knoll Ridge Estates, Phase 2”:** Consideration of a request by Wrenn Brothers, Inc. for subdivision sketch design approval of “Knoll Ridge Estates, Phase 2”, consisting of 15 lots on approximately 76 acres, located off SR #1130, Oakley Church Road, Matthews Township~~

This item was removed from the Consent Agenda and placed on the Regular Agenda for discussion.

12. **Revision to Existing Conditional Use Permit on Behalf of “North Chatham Park, Lot #5”:** Consideration of a request by Greg Isenhour, IS Development Co., LLC, on behalf of North Chatham Park, Lot #5, for a revision to the existing conditional use permit, condition #1, requesting a time extension

As per the Planning Department and Planning Board recommendation, the request for a one (1) year time extension to obtain a zoning determination and building permit to expire October 18, 2006 and an extension of time to complete all required improvements to October 18, 2007.

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

13. **Home & Community Block Grant Committee:** Consideration of a request by the Chatham County Board of Commissioners to reappoint members, list attached, for a one-year term from December 2005 to December 2006, attached hereto and by reference made a part hereof.

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

14. **Water Advisory Board:** Consideration of a request to reappoint John Grimes, 543 West Glendale Street, Siler City, NC, to the Water Advisory Board by Commissioner Morgan

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

15. **Public Hearing on Chatham County Cell Tower Ordinance:** Consideration of a request to hold a public hearing on March 21, 2006 on the Chatham County Cell Tower Ordinance

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

END OF CONSENT AGENDA

PUBLIC INPUT SESSION

Elaine Chiosso, 1076 Rock Rest, Pittsboro, NC, informed the Board that she had been appointed by Governor Mike Easley to serve on the Sedimentation Control Commission for the State of North Carolina for the next three years. She stated that she plans to bring the experience that she has gained in thirty years as being an advocate for the environment for Chatham County to the position and hopes that she can find a way on that board to try and solve some of the problems they see of continued sediment in the streams as developments are built; and that she was sworn in during the day by Representative Joe Hackney.

Ms. Chiosso stated that as she drove in to the night's meeting, she was almost involved in an accident as they were putting in utility lines by Chapel Ridge; that there was no flagman; that they have all heard horror stories of the incorrect way things are being done very quickly; that sometimes all of the State rules are not being followed; that the impact on people's lives of these developments would have to take into account that many of the County's residents are going to be facing five, ten, fifteen years or more of inconvenience, some safety issues, noise, and muddy creeks during the time of build-out; that these are influencing the residents that now live in the County; that she feels that their concerns should be heard; that she thinks that if they are being approved, there has not been enough attention paid to future transportation problems, the continued nutrient pollution problem at Jordan Lake, and the continued mud in the creeks.

Allison Weakley, 311 Boothe Hill Road, Chapel Hill, NC, thanked the Board for the opportunity to provide comments on how Chatham County deals with Environmental Impact Assessments and ways in which the process needs improvement. She stated that approximately one year ago, the Planning Board undertook initial discussion about when to request an Environmental Impact Assessment (EIA); that part of that discussion began to consider what standards to use in the County's assessment of whether or not EIAs submitted as to satisfy a Conditional Use Permit (EIA) requirement was adequate; that as far as she knows, there has been no further discussion on this topic; that all of the EIAs received by the County as a condition of Conditional Use Permits (CUPSs), including EIAs for The Homestead (Legacy), Buck Mountain (now called Chapel Ridge), Booth Mountain, and Briar Chapel, have been inadequate to determine the potential negative environmental impacts and to mitigate impacts from these developments; that she is appreciative that the County hired Goldstein and Associates to review the Briar Chapel EIA; that they pointed out a number of glaring mistakes and omissions in their review of the EIA submitted by CH2MHill on behalf of Newland Communities, including a number of areas that were incomplete or inconsistent with County, State, and federal regulations; that she wanted to remind the Board of how important it was to have a peer review of the EIA conducted for that project; that in her capacity as a biologist for the US Forest Service, a major component of her job is writing and editing EIAs; that she can emphatically confirm that what has been submitted to the County for these developments would not pass the State and Federal review process; that when the EIA for Briar Chapel was submitted to the State Clearinghouse, many of the agencies were unable to complete a review because significant information was lacking in the EIA; that many "no-impact" determinations made by CH2MHill in these EIAs are not supported by factual information and have "no legs" on which to stand; that she, along with other citizens knowledgeable on environmental impacts, have reviewed EIAs submitted for Buck Mountain (Chapel Ridge) and Booth Mountain, and submitted their findings in reports submitted to the Planning Board and Board of Commissioners; that they have pointed repeatedly to the lack of adequate evaluation of impacts for these developments; that requiring the EIAs as a condition of approval for CUPSs is meaningless unless an adequate peer review is also required; that Briar Chapel is a great example of how that process can work to benefit the County.

Ms. Weakley stated that another perennial problem with the submission of EIAs to the County is the

lack of time for review; that EIAs need to be submitted to and made available to Planning Board and interested citizens in a timely manner; that the EIA conducted by CH2MHill for The Homestead development was not posted on the County website until December 5th – a little over twenty-four hours before the Planning Board meeting in which it was to be considered for final plat approval; that interestingly, the Planning Department received the EIA (according to the Major Subdivision Checklist posted on the County website) in October 2005; that the Planning board received it only days before their meeting on December 1st and her guess is that no one had the time to sift through it for merit in that short time period; that it is time for Chatham County to hold developers accountable for environmental impacts and the mitigation of those impacts.

She urged the Board to not only require EIAs for planned unit developments (and other large development projects), but require meaningful peer review. She also urged the Board to require timely submission stating that there is a suite of citizens who are interested in this topic, who lend their expertise willingly, and who would be happy to engage with the Planning Board and Planning Staff on a policy that deals with EIAs; and that the Board has the power to require developers to pay for peer review as they did with Briar Chapel.

PLANNING AND ZONING

Sketch Design Approval of “Knoll Ridge Estates, Phase 2”: Consideration of a request by Wrenn Brothers, Inc. for subdivision sketch design approval of “Knoll Ridge Estates, Phase 2”, consisting of 15 lots on approximately 76 acres, located off SR #1130, Oakley Church Road, Matthews Township

Keith Megginson, Planning Director explained that an adjacent piece of property appears to be landlocked; that they want the developer to explore the possibility of extending the dedication of the private road right-of-way to the adjoining property; that they would like for it to be considered during the preliminary plat review; and that this would be addressed by adding Condition #2.

As per the Planning Department and Planning Board recommendation, Commissioner Emerson moved, seconded by Commissioner Outz, to grant sketch design of Knoll Ridge Estates, Phase 2 with the following conditions:

1. The preliminary and final plat show previously recorded lot #21, 6.8 acres, as shown on Plat Slide 2001, Page 24, as a surveyed lot with a notation of change of status to a non-building lot.
2. The developer shall explore the possibility of extending a dedication of the private road right-of-way to the adjoining property of Hilliard Brothers Lumber Company, Deed Book 549, Page 238. Said dedication shall be considered during review of the preliminary plat.

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

PLANNING AND ZONING

Preliminary and Final Approval of “The Legacy at Jordan Lake, Phase One”: Consideration of a request by The Legacy at Jordan Lake, LLC for subdivision preliminary and final approval of “The Legacy at Jordan Lake, Phase One”, consisting of 105 lots on approximately 238 acres, located off SR #1716, Big Woods Road, Williams and New Hope Townships

The Planning Director explained the specifics of the proposed development.

Allison Weakley (biologist), Cindy Perry (attorney), Mark Ashness (engineer), and Steve Lavitas (attorney) addressed various concerns related to the subdivision.

Ms. Weakley presented rainfall data to the Board which is attached hereto and by reference made a part hereof.

After considerable discussion, as per the Planning Department and Planning Board recommendation, Commissioner Outz moved, seconded by Commissioner Emerson, to grant approval of the road names, Legacy Way, Legacy Falls Drive North, Legacy Falls Drive South, Rolling Meadows Lane, Covered Bridge Trail, Stoney Creek Way, and Bridgewater Court, and grant preliminary and final plat approval of "The Legacy at Jordan Lake, Phase One", with the following conditions:

1. The plat shall not be recorded until the County Attorney has given final approval to the financial guarantee.
2. The improvements to Big Woods Road as required in condition #6 of the zoning approval shall be completed prior to issuance of the first certificate of occupancy for Phase One.
3. Storm water retention ponds as required in condition #8 of the zoning approval shall be completed prior to issuance of the first certificate of occupancy for Phase One.

The motion carried four (4) to one (1) with Commissioner Barnes opposing.

BREAK

The Chairman called for a five-minute break.

BOARD OF COMMISSIONERS' MATTERS

Public Hearings:

Public Hearing on Infrastructure Sewer/Water Hook-Up Program: Public hearing to receive public comments on approval of application to the North Carolina Department of Commerce, Division of Community Assistance for funds under the 2005 Community Development Block Grant (CDBG) Infrastructure Sewer/Water Hook-Up Program; and Consideration of a request to approve the application for the 2005 Infrastructure Hookup Grant

Renee Dickson, Assistant County Manager, explained that the North Carolina Division of Community Assistance has invited Chatham County to apply for a HUD grant which would provide up to \$75,000.00 for low and middle income residents to hook up to the County water system at no cost to them. She stated that the grant would cover their tap fee and plumbing work needed to cover administrative costs including contracting with Hobbs Upchurch & Associates to manage the grant; that grant oversight will include a "request for proposal" (RFP) for an insured, bonded contractor to do the plumbing work required for each household; that the homeowner must sign a form authorizing the work required and assuring that the County is not held liable for the work of the contract plumber; that the remaining \$63,750 would be used for the hook-up work which would cover approximately 15-18 households; that there have already been fourteen families to sign up; and that the work would take place over 12-15 months.

Ms. Dickson further stated that matching funds are not required for this grant and that the County will recover tap fee costs. She stated that the administrative share of the grant will cover oversight costs and advertising expenses. She asked permission of the Board to apply for the 2005 Infrastructure Hook-Up Grant.

The Chairman opened the floor for public comments.

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

The Chairman closed the floor for public comments.

Commissioner Emerson moved, seconded by Commissioner Cross, to adopt **Resolution #2005-64 to Submit Community Development Block Grant Infrastructure Hook-Up Application**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Public Hearing on Revisions to the Chatham County Soil Erosion and Sedimentation Ordinance: Public hearing to receive public comments on revisions to the Chatham County Soil Erosion and Sedimentation Ordinance as recommended by the Chatham County Public Health Department

Holly Coleman, Environmental Health Director, introduced Brian Grogan, new Lead Sedimentation and Erosion Control Officer, hired on November 14, 2005. She reviewed the proposed changes to the Chatham County Soil Erosion and Sedimentation Ordinance as recommended by the Chatham County Public Health Department.

The Chairman opened the floor for public comments.

Loyse Hurley, 16 Matchwood, Pittsboro, NC, reading comments prepared by William Sommers, stated that he appreciated the opportunity to give his views on the proposed revisions to the Soil Erosion and Sedimentation Ordinance; that he thanked the Board for allowing Ms. Hurley to read and present his memorandum since he could not attend the hearing; that he applauds the Board's action on this ordinance because it fills a most necessary ingredient in Chatham county's overall approach in guiding the unprecedented growth which Chatham County is experiencing; that he is certain the majority of the County's residents are also appreciative of the Board's action; that from the perspective of public input, he believes that an additional revision is necessary; that because so many residents are aware of some of the negative consequences of unregulated growth, their commentary should be invited, especially where permits are being issued to regulate certain land-disturbing activity and thus prevent the pollution of water and other damage to lakes, water courses, public and private property by excessive and destructive sedimentation; that he believes that with a small addition to the first paragraph of Section 8, the County could encourage public comment in an orderly way that will give citizens a stake in the procedure, while in many cases, add additional information that would help in assessing the proposal and in making more practical the details of the issued permit.

Elaine Chiosso, 1076 Rock Rest Road, Pittsboro, NC, speaking on behalf of the Haw River Assembly, stated that she would like to submit comments on the proposed "Revisions to the Chatham County Soil Erosion and Sedimentation Ordinance". She stated that with regard to Section 5D Ground Cover, it is the disturbed and uncovered ground areas that contribute the most sediment erosion during storm events; that this erosion of soil into the streams is damaging to aquatic life and the recreational and aesthetic properties of the streams; that they believe that the period of time that disturbed land at a construction site is allowed to sit uncovered after the construction is complete should be shortened significantly to reduce the number of muddy streams they are seeing in Chatham County; that they would recommend that the total time allowed be reduced to no more than fifteen working days or thirty days total instead of ninety days; that they would also

recommend that any portions of a construction site that are complete and will not be regarded or paved, be treated as final, and reseeded within the time limit they have proposed; that in addition, they also recommend that all development be required to maintain a cover of mulch over disturbed ground as the site is being developed; that many of the worst erosion problems that muddy the creeks happen in a very short period of time when land is exposed to a heavy rainfall; that using hay or other vegetative mulch cover can be an inexpensive, yet effective method, for preventing sediment erosion; that the developer should be required to have an adequate amount of mulch on the site to use for uncovered areas during the construction of the project; that with regard to Section 18, Plan Approvals, (pages 21, 23), the Board of Health should be afforded the same amount of time as the Board of commissioners for all procedures concerning requests and appeals on permits under this ordinance; that fifteen days seems like an inadequate amount of time for deliberation; that they also believe that this ordinance should include a process for citizens to request a hearing on permits that appear to be inadequate; and that with limited County staff, it would be wise to use the resources of County residents to make sure projects have adequate plans in place to control sediment erosion.

The County Attorney stated that he thought the General Statutes sets the times within which there has to be a decision.

Allison Weakley, 311 Boothe Hill Road, Chapel Hill, NC, thanked the Board for the opportunity to address soil erosion and sedimentation issues in Chatham County. She stated that since early October 2005, she has noticed muddy creeks flowing along big Woods Road and Lystra Road from grading and construction activities associated with various other developments, including Windfall Creek Estates, The Homestead (Legacy) at Jordan Lake, and Chatham Downs; that on October 8, 2005, she investigated the source of sediment draining into streams in along these two roads and found failing sediment basins and silt fencing and lack of groundcover to be obvious reasons for the muddy creeks (See Photo One); that also problematic was road crossing with no silt fencing that was allowing mud to flow directly into a stream; that more than 1.92" of rain fell in a four-day period during the first week in October (See Climatological Data from the National Weather Service Forecast Office); that the meadows at The Homestead site had been significantly graded and sediment basins constructed just prior to that rain event; that what resulted was significant sediment (and straw) in streams that drain the site.

Ms. Weakley stated that she contracted Joe Idol, Division of Land Resources (DLR) and reported what she had found; that she also e-mailed photos to his supervisor, John Holley (Regional Engineer) and discussed the matter with him via phone; that Mr. Idol paid a visit to the site a few weeks later; that at that time, he did not find the developer in violation of the Sedimentation Pollution Control Act, but said that he would return to the site at a later date to continue his investigation; that he did state that there were some issues with silt fencing that he asked to be corrected; that Mr. Idol has been unable to visit the site again; that he suggested she call Ken Schuster in the DWQ Source Water Protection Unit to discuss water quality impacts which she did; and that Mr. Schuster referred her to Eric Kulz who covers water quality impact issues in Chatham County.

She stated that on December 5, 2005, Catherine Deininger of the Haw River Assembly also visited Big Woods Road to document mud in the creek; that she submitted a map and photos to the Division of Water Quality (DWQ) (See Photo Three); that Mr. Kulz responded that he and Mr. Idol would visit the site in early January, 2006 to "look at sedimentation and erosion control devices in use on these sites, as well as the streams themselves to determine if sediment is being deposited in the streams" (See Photo Four); that she again visited the Big Woods Road sites on December 8th and found no real change in the appearance of the muddy unnamed tributary (See Photo One); that comments on current sedimentation issues in Chatham County were submitted by her (and in her absence by Mrs. Loyse Hurley) to the Planning board on December 6, 2005 (See Photo Five); that a Notice of violation (NOVs) to the Sedimentation Pollution Control Act was

issued recently to Chatham Downs for failing to comply with requested maintenance issues on site; that Chapel ridge (Buck Mountain) received a NOV this past summer; that other developments are currently under investigation for sedimentation and water quality violations (Windfall Creek Estates, The Legacy/Homestead, etc.); that it is important to note that those developments who have been issued a NOV all had Erosion and Sedimentation Plans approved by the State; that all three were issued NOVs for non-compliance to their plans; that in all three cases (The Preserve, Chapel Ridge, and Chatham Downs), the contractor did not follow the plan and down-sized the temporary sediment basins before ground cover was established; that at the Planning Board meeting on December 6, 2005, Mark Ashness presented photos of the sediment basins at The Legacy (Homestead) site which were taken on December 3, 2005 just before the County received another torrential downpour; that Slide Three shows a sediment basin within the WS-IV Critical Area of Jordan Lake (next to trailers); that one can see that it is already full of muddy water at the time the photos were taken; that the following two days (December 4th and 5th) when 1.49" of rain was received; that the basins clearly could not and did not capture a significant portion of runoff from that storm event; that she took the photo on October 8, 2005 just after this basin was constructed; that one photo shows failing silt fencing that was overcome when sediment washed out of the basin and down slope (south) toward Big Woods Road near where the trailers are parked (Photo Three); that Photo Four shows a basin on the south side of the access road on December 3rd; that she took a few photos of this basin on October 8, 2005; and that the basin overflowed and sediment went washing through the stream buffer.

She further stated that unfortunately, the staff at DLR and DWQ must oversee a wide variety of projects that stretch across a large geographic area; that this means that compliance and enforcement, especially on these larger developments, may be overlooked due to a lack of staff time and resources; that Mr. Idol commented to her that "Chatham needs more than one person"; that he stated that Orange County has four Sedimentation Control inspectors who are able to visit sites once a week, whereas he is lucky to visit sites once every couple of months; that likewise, Eric Kulz and his counterpart, Mike Horan, together cover fifteen counties; that the fact that DLR and DWQ have scheduled time to tour Chatham County developments show that they have reason to be concerned. She stated that Chatham County needs to take more of a vested interest in sedimentation and erosion control, especially given the number of acres and streams significantly impacted by development now and in the coming years; that it is incumbent upon the Board to see that the Soil Erosion and Sedimentation Ordinance has some teeth and that developers are held accountable for impacts to water quality in Chatham County; and that Jordan Lake is a drinking water source and key to the County's economic future and that everyone has an obligation to prevent further degradation of its water quality.

Rich Hayes, 612 Oak Island Drive, Chapel Hill, NC, stated that he was glad that Chatham County was finally going to have a local program; that he thinks that it is going to help being able to quickly address problems; and that the difference between a couple of months and a couple of weeks in getting to a site is that any problems can be quickly remedied. He urged the Board to consider additional protection the critical watershed areas.

Michael E. Burke, 751 Windsor Road, Chapel Hill, NC, stated he had twenty-five years in natural resource conservation; that after having read the proposed Soil Erosion and Sediment Control Ordinance, there are a couple of areas that he feels should be addressed in greater detail; that 1) a better definition of a lake or natural water course, in particular the definition of streams; that without a clear source of reference this could get to be rather subjective and could lead to environmental damage of some of Chatham County's water ways; 2) Section 4b-1 – If the disturbance is for a structure, it should fall under the ordinance; that the fact is the requirements for this ordinance are not so overbearing as to cause hardship given the tax incentives, subsidies, and cost shares members of the agricultural community receive; 3) Section 4b-2 – This exclusion should only be allowed if there is an approved Forest Management Plan in effect and followed for X amount of years after forestry services; 4) Section 5a-1 – This is too subjective, without a minimum distance and a

good definition of a water source there will be environmental damage from siltation; that the function of this ordinance is preemptive in nature and not to provide basic guidelines for plan designers or plan reviewers would be counter-productive; that also many times to fix something after the fact is more costly to the environment; 5) Section 5d – it would be nice to encourage native plant materials when ever possible, particularly in those areas adjacent to protected green space; 6) Section 10b – Increase the minimum standard to 25 year event for storm water management; that the effects of storm water to downstream water courses may not become apparent for years after the land disturbance; that as noted later in Section 10c, the processes for storm water management is “a developing technology” and until it becomes a standard, it would be in the County’s interest to increase the protections in this area; 7) Section 19f – The word “significant” is too subjective; that a clear guide line should be given since this is the foundation for legal action; 8) Section 19g – The word “may” is too subjective; that in some instances like in HQW areas or perhaps on projects greater than “X” acres, the “cease order” should be automatic; and Section 19f & g – The term “the County” should be defined in such a way as to determine accountability.

Paul McCoy, 3557 Pea Ridge Road, New Hill, NC, stated that he hoped the Board would not have anything to do with impacting on agriculture anymore than already recommended; that the ordinance could be violated every time a crop is planted; that a field is clear cut before it is planted; that the County does not need any more regulations; that he believes that there are those who are willing to take every bit of the citizens’ freedoms away; that he thought the attorney treated them kindly when he said that he felt that they were out-of-line; that he thought they didn’t have anything to do except sit and watch and harass those who were trying to do a decent job; that agriculture and farming people deserve the very best they can get in the County; that agriculture is the driving force; that if they are continually burdened with more regulations, they will be forced off their farms; that he has a problem with adding another person to watch over soil and erosion; that if those people are truly worried about erosion, they should visit Brickhaven and visit the brick plant who has turned the little branch into nothing but a solid red mass; that they never bother them, but continually harass the little folks trying to make a living off the land.

The Chairman closed the floor for the public hearing.

Commissioner Emerson moved, seconded by Commissioner Barnes, to adopt the Chatham County Soil Erosion and Sedimentation Control Ordinance, effective January 01, 2006. The motion carried five (5) to zero (0). The ordinance is attached hereto and by reference made a part hereof.

Other Items:

Erosion & Sedimentation Control Program Contract: Consideration of a request to approve the Erosion & Sedimentation Control Program contract with the Department of Environment and Natural Resources (DENR) totaling \$48,498.00, effective November 2, 2005

Commissioner Emerson moved, seconded by Commissioner Barnes, to approve the Erosion & Sedimentation Control Program contract with the Department of Environment and Natural Resources (DENR) totaling \$48,498.00, effective November 2, 2005. The motion carried five (5) to zero (0).

BOARDS AND COMMITTEES

Mid-Force Workforce Committee:

Commissioner Cross moved, seconded by Commissioner Emerson, to appoint Gabriel Soltren, PO Box 524, Siler City, NC, to the Mid Carolina Workforce Committee. The motion carried five (5) to zero (0).

MANAGER' S REPORTS

The County Manager reported on the following:

Joint Meeting with Central Carolina Community College:

The Central Carolina Community College Board of Trustees want to have a joint meeting with the Board of Commissioners.

By consensus, the Board agreed to meet with the Central Carolina Community College Board of Trustees as part of their work session on the afternoon of February 20, 2006. An alternate date would be the afternoon on February 6, 2006 after the Boards' regularly scheduled work session.

Board Summit:

The Board's summit will be held on the afternoon of January 3, 2006 and continued on January 4, 2006 and January 5, 2006, if needed.

Architect's Fee Adjustment:

The Assistant County Manager explained that the architect's fees for renovations of the Department of Social Services were approved subject to the fees being within the budget; that the proposed fees are over; that the reason is that the cost of the design fees was estimated at ten percent which is the standard that is used for new construction; that it should have been estimated at fifteen percent for renovations; and that the fees will be taken from contingency.

Commissioner Emerson moved, seconded by Commissioner Barnes, to approve the additional amount in architect's fees for the contract with Hobbs Architects with funds to be taken from contingency. The motion carried five (5) to zero (0).

BOARD OF COMMISSIONERS' MATTERS

Septic System Inspection Fees:

Commissioner Outz stated that he had had several people call him about the \$25 septic system inspection fee.

Chairman Morgan stated that it was a State-driven fee.

Wal-Mart Sales Tax:

Commissioner Outz asked the Finance Officer to provide the figure that Wal-Mart pays in County sales and property taxes.

Cafeteria Renovations for Jordan Matthews High School:

Commissioner Outz asked about the excessive cost involved to build the cafeteria at Jordan Matthews High School. He asked who was in control of the spending/fees.

Chairman Morgan explained that the school is in charge with the County's Finance Officer as a consultant.

ADJOURNMENT

Chairman Outz moved, seconded by Commissioner Emerson, to adjourn the regular meeting. The motion carried five (5) to zero (0), and the meeting was adjourned at 8:23 PM.

Bunkey Morgan, Chairman

ATTEST:

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