

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
MAY 21, 2007

The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met in the Superior Courtroom, 1 Hillsboro Street, located in Pittsboro, North Carolina, at 6:00 PM on May 21, 2007.

Present: Chairman Carl Thompson; Vice Chair, George Lucier; Commissioners Patrick Barnes, Mike Cross, and Tom Vanderbeck; County Manager, Charlie Horne; Interim County Attorney, Jep Rose; Assistant County Manager, Renee Paschal; Finance Officer, Vicki McConnell; and Clerk to the Board, Sandra B. Sublett

INVOCATION AND PLEDGE OF ALLEGIANCE

Chairman Thompson delivered the invocation after which everyone was invited to recite the Pledge of Allegiance.

CALL TO ORDER

The meeting was called to order by the Chairman at 6:17 PM.

AGENDA AND CONSENT AGENDA

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

Moratorium:

Chairman Thompson explained that the Board had decided to hear public comments until 10:00 PM; that there were seventy-one registered speakers for the night’s public hearings; and that the Board had decided to carry-over the moratorium public hearing to the next night. He stated that anyone unable to attend the meeting could provide written comments for the Board of Commissioners.

Commissioner Lucier moved, seconded by Commissioner Barnes, to continue the public hearing on the moratorium on Tuesday, May 22, 2007, 6:30 PM, in the Superior Courtroom. The motion carried five (5) to zero (0).

Minutes:

Commissioner Barnes asked that approval of the Work Session meeting minutes from the May 07, 2007 be postponed until the June 4, 2007 Board of Commissioners’ meeting.

Commissioner Vanderbeck moved, seconded by Commissioner Barnes, to approve the Agenda and Consent Agenda with the noted change as follows:

1. **Minutes:** Consideration of a request for approval of Board Minutes for regular meeting held May 07, 2007, ~~work session held May 07, 2007~~

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

Approval of the May 07, 2007 Board of Commissioners’ Work Session minutes was postponed until the June 04, 2007 Board of Commissioners’ meeting.

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

- A. Carson Alton Drive
- B. Chandler Lane
- C. Morgan Farm Road
- D. Happy Acres Drive
- E. Hawk Ridge

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

3. **Corporate Resolution and Certificate of Incumbency:** Consideration of a request to adopt **Corporate Resolution #2007-23 and Certificate of Incumbency** (Commercial Credit Card Account), attached hereto and by reference made a part hereof.

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

4. **Smart Start Funds Acceptance:** Consideration of a request to accept Smart Start funds in the amount of \$3,000 for the Children's Resource Van and operating costs

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

5. **Preliminary Plat Approval of "Monterrane, Phase III":** Consideration of a request by Jesse Fearrington for subdivision preliminary design approval of "Monterrane, Phase III", consisting of six (6) lots on 31 acres, located off SR #1700, Mt. Gilead Church Road, Williams Township

As per the Planning Department and Planning Board recommendation, preliminary plat approval was granted as submitted.

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

6. **Preliminary Plat Approval of "Briar Chapel – Great Ridge Parkway":** Consideration of a request by Joe Grady, Jr., PLS, The John R. McAdams Company, on behalf of NNP Briar Chapel, LLC for subdivision preliminary approval of "Briar Chapel–Great Ridge Parkway", located off SR #1532, Mann's Chapel Road, Baldwin Township

As per the Planning Department and Planning Board recommendation, subdivision preliminary approval of "Briar Chapel – Great Ridge parkway Right-of-Way Dedication" was granted with the following condition:

1. Construction of Great Ridge Parkway shall not commence until staff has received a copy of the commercial driveway permit.

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

7. **Final Plat Approval of "Briar Chapel – Phase 3 and 4 and Great Ridge Parkway Right-of-Way Dedication":** Consideration of a request by Joe Grady, Jr., PLS, The John R. McAdams Company, on behalf of NNP Briar Chapel, LLC for subdivision final approval of "Briar Chapel–Phase 3 and 4 and Great Ridge Parkway Right-of-Way Dedication", consisting of 67 lots on 58 acres, located off SR #1532, Mann's Chapel Road, Baldwin Township

As per the Planning Department and Planning Board recommendation, final plat approval of "Briar Chapel – Phase 3 and 4 and Great Ridge Parkway Right-of-Way Dedication" with the following condition:

1. The plat not be recorded until the interim County Attorney has approved the financial guarantee

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

8. **Final Plat Approval of “Knoll Ridge Estates”:** Consideration of a request by Wrenn Brothers, Inc. for subdivision final plat approval of “Knoll Ridge Estates, Phase 2”, consisting of 13 lots on 77.5 acres, located off SR #1130, Oakley Church Road, Matthews Township

As per the Planning Department and Planning Board recommendation, final approval of “Knoll Ridge Estates, Phase 2” was granted as submitted.

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

9. **Final Plat Approval of “The Woods at Wilkinson Creek”:** Consideration of a request by Samir W. Bahho, P. E., on behalf of Wilkinson Creek, LLC for subdivision final approval of “The Woods at Wilkinson Creek”, consisting of 23 lots on 47 acres, located off SR #1537, Tobacco Road, Baldwin Township

As per the Planning Department and Planning Board recommendation, final approval of “The Woods at Wilkinson Creek” was granted as submitted.

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

10. **Sketch, Preliminary, and Final Approval of One Lot for Walter and Natalie Butler and Liselotte Smith:** Consideration of a request by Thomas T. Bridges, Professional Land Surveyor on behalf of Walter W. and Natalie S. Butler and Liselotte E. Smith for sketch, preliminary, and final approval of “Subdivision and Private Septic Easement Plat for Walter W. and Natalie S. Butler and Liselotte E. Smith”, consisting of 4.45 acres, located off SR #1346, Silk Hope Gum Springs Road, Hadley Township

As per the Planning Department and Planning Board recommendation, sketch, preliminary, and final approval of the plat was granted as submitted.

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

11. **Preliminary Plat Approval of “Valley View”:** Consideration of a request by Ticon Properties, LLC for subdivision preliminary plat approval of “Valley View”, consisting of 22 lots on 47 acres, located off SR #1526, Andrews Store Road, Baldwin Township

As per the Planning Department and Planning Board recommendation, approval of the road names “Valley View Lane” and “Phoebe Lane” and preliminary plat approval of “Valley View Subdivision” were granted with the following conditions:

1. The utility crossing of the creek shall be encased in ductile iron pipe.
2. No construction of the utility stream crossing shall commence until the developer has determined whether or not a NCDWQ 401 permit is required and such is verified to the Planning Department.

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

12. **Subdivision Appeal Decision on “Burnette Mountain Estates, LLC”:** Consideration of a request by Phreddie D. Popp for a subdivision appeal of decision on Burnette Mountain Estates, LLC, located off SR #1700, Mt. Gilead Church Road, Baldwin Township

As per the Planning Department and Planning Board recommendation, approval of the request to upgrade the easement to a 16 foot wide travel way with four inches of crush and run stone beginning at portion C of the easement to extend to Lot 4 was granted as submitted.

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

13. **Home and Community Care Block Grant Committee Appointments:** Consideration of a request to appoint the following members to the Home and Community Care Block Grant Committee:

Ms. Lucille Whitt	Health Department
Ms. Sandy Colletta	Department of Social Services
Ms. Joan Pellettier	Triangle J Representative
Ms. Mary Linker	Mental Health Director
Ms. Angel Dennison	Council on Aging Director

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

14. **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).

15. **Public School Building Capital Fund/NC Education Lottery Application:** Consideration of a request to approve the Public School Building Capital Fund/North Carolina Education Lottery Application, a copy attached hereto and by reference made a part hereof.

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

END OF CONSENT AGENDA

PUBLIC INPUT SESSION

Gretchen Smith, 598 Jones Branch Road, Chapel Hill, NC, read an article about report cards. She suggested the development of a report card for developers and stated that developers could be graded on a number of options. She stated that they could be used in the review of new applications and developments in progress and that the State's grades are only average.

Rosa Sutton, 806 13th Street, Siler City, NC, stated that she was in attendance at the April 16, 2007 Board of Commissioners' meeting; that she is here on behalf of equal transportation opportunities for the people of Chatham; and that she just wants the County to give them a fair break.

BOARD OF COMMISSIONERS MATTERS

Public Hearings:

Public Hearing on the Chatham County Fiscal Year 2007-2008 Budget: Public hearing to receive public comments on the Chatham County Fiscal Year 2007-2008 Manager's Recommended Budget

The County Manager, explained the specifics of the proposed FY 2007-2008 Chatham County Budget noting that there was a proposed two-cent tax increase to 61.7 cents on a total property valuation of \$7.0 billion. He stated that the General Fund budget proposal is \$76,524,903.00; that one cent of ad valorem tax generates \$682,001.00; that the recommended budgets for Enterprise Funds are: Utilities \$4,903,600.00; Solid Waste \$2,850,280.00; that total Property Tax Revenue would be \$43,044,002.00; and that total General Fund Fund Balance appropriated would be \$5,914,568.00.

The Assistant County Manager stated that two cents of the property tax increase is earmarked for increased school costs, including additional operating costs for Virginia Cross Elementary School, increasing teacher supplement, and other expansion requests; that the Commissioner priorities at their January Budget Summit to staff was to try to maintain the tax rate; that this was not possible with the additional operating costs of Virginia Cross and other school needs; that the budget includes funding for a Human Relations Director,

Economic Development Plan priorities, greater opportunities for recreation, renovation requests for the schools, a one cent designation on the tax rate for non-profit agencies, funding of an office space needs study, an update for the Recreation Master Plan, and an update to Impact Fee Study. She stated that there is a large appropriation in the current year to Fund Balance; that it is estimated that approximately four million dollars will be used; that the Board's stated financial policy goal is 20% of the operating goal in Fund Balance; that the County should be at about 26% at the end of the fiscal year; that staff is recommending an appropriation of approximately six million; that next fiscal year, all of that is earmarked for one-time items which is also consistent with the Board's financial policy; that it is estimated that Fund Balance will drop to approximately 22.5% at the end of fiscal year 2008; that in this budget, 16.25 new positions are recommended; that the request for Chatham County Schools was \$25,628,170.00 (19% increase over the current fiscal year) of which \$24,018,284.00 (11.8% increase) is recommended; that while they have not recommended all school system requests, their recommendations are as follows: \$1,982,180.00 for capital outlay, \$3,198,237.00 for teacher supplements, and \$18,837,867 for current expenses; that the difference between the requested amount and the recommended amount is \$1.6 which is \$.0236 on the tax rate; that the non-profit agencies' funding includes recommendations from the panel; and that the administrative priorities, by improving services to customers and residents, include employee retention and development, resource stewardship, and vital communications.

The Chairman opened the floor for public comments.

Sally Kost, 1101 New Hope Church Road, Apex, NC, commended the staff for commitment to education. She requested a power washing of the courthouse annex building and questioned the increase in the fire district taxes.

Mark Cares, 8009 Pittsboro Goldston, Bear Creek, NC, stated that the last three Commissioners were honest about their intentions with spending and taxes; that using the mantle of education is misleading; and that the school increase tends to go to bureaucracy.

Chris Walker, stated that he was speaking on behalf of the Planning Board; that they are requesting an additional Planner position; that the position was not requested by the Planning Director at the time of budget submission; and that they are requesting additional funding for another planning position to coordinate and oversee subdivision projects as they progress.

BOARD OF COMMISSIONERS' MATTERS

Public Hearing Request on CDBG Infrastructure Hook-Up Project: Public hearing to receive public input on the close-out of the CDBG Infrastructure Hook-Up Project

Debra Henzey, Director of Special Projects and Grants, stated that this was a close-out public hearing that was a requirement for the Community Development Block Grant received in early 2006 totaling \$69,287.00. She said that the grant allowed thirteen low-income families in to hook-up to the water system. Without this funding, these families could not have afforded the full cost of connecting to the county's water system.

The Chairman opened the floor for comments.

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

PLANNING AND ZONING

Sketch Design Approval of "Terrell's Ridge Subdivision": Consideration of a request by Chatham Landholdings, LLC for sketch design approval of "Terrell's Ridge Subdivision", consisting of 106 lots, on 206 acres, located off SR #1540, Jones Ferry Road, Baldwin Township

Nick Robinson, Attorney for the applicant, stated that he is requesting approval of sketch design with the conditions outlined by the Environmental Review Board; that the environmental assessment will be submitted to the ERB for review and comment; and that

the traffic impact study will also be conducted and submitted with the preliminary plat design.

- 1) The applicant will prepare an Environmental Assessment (EA) in accordance with the content recommendations of the Environmental Review Board (ERB) (Attachment 1 hereto), namely that it will be prepared according to SEPA guidelines and will address impacts for the following (and the subcategories enumerated in the ERB recommendation):
 - A. Wastewater
 - B. Wells/groundwater
 - C. Slope/topography/soils
 - D. Surface water (include jurisdictional delineation)
 - E. Flora/fauna (wildlife habitat, threatened and endangered species)
 - F. Lights
 - G. Cultural/historical resources
- 2) The EA will be submitted for ERB review and comment according to the schedule submitted to the Board of Commissioners on 17 May 2007 and attached (Attachment 2 hereto).
- 3) Developer is not required to install any road connection to the Durham family property nor show a right of way or easement to the property.
- 4) The development schedule attached is hereby approved (Attachment 3 hereto).
- 5) Developer shall perform a traffic impact assessment and file the same along with its preliminary plat application.
- 6) There shall be 100 foot buffers along perennial and intermittent streams located on the development property.

Attachments #1, #2, and #3 are attached hereto and by reference made a part hereof.

John Runkel, attorney representing the Durham Family, stated that he had petitions which he had gathered asking that the Board deny the sketch plan approval due changes most likely to be made following the Environmental Impact Statement, and that it was very clear to everyone that there will be drastic changes after the Environmental Impact Statement and that the present sketch design will not be valid anymore.

Allison Weakley, Environmental Review Board Chair, stated that she was happy to learn that the applicant was willing to address the issues that the Environmental Review Board raised at the last meeting; that their concern remains regarding the changes to be made to the preliminary plat; that if that issue can be addressed, they will be satisfied that their issues can be resolved.

Commissioner Cross moved to grant sketch design approval of the Terrell's Ridge subdivision, including the development schedule approved by the Planning Board with the following conditions:

1. Applicant will prepare an Environmental Assessment (EA) in accordance with the content recommendations of the Environmental Review Board (ERB), namely that it will be prepared according to SEPA guidelines and will address impacts for the following (and the subcategories enumerated in the ERB recommendation):
 - A. Wastewater
 - B. Wells/groundwater
 - C. Slope/topography/soils
 - D. Surface water (include jurisdictional delineation)

- E. Flora/fauna (wildlife habitat, threatened and endangered species)
 - F. Lights
 - G. Cultural/historical resources
2. The EA will be submitted for ERB review and comment according to the schedule submitted to the Board of Commissioners on May 17, 2007 and attached.
 3. No requirement to provide access to the Durham family property in Orange County.

Commissioner Lucier seconded the motion. He complimented the developer in working with the various folks with whom they worked on this project. He also complimented the Environmental Review Board stating that they were a new board and this was one of the first things they have done; that the list and specifications for what was required for the Environmental Impact Assessment was very thorough and very well done; and that he feels that they will make the development better once they are completed. He added an amendment to the motion as follows:

The developer add 100 foot stream buffers and a Traffic Impact Assessment.

Mr. Robinson asked for clarification on the connection to the Durham family property in Orange County.

The Board agreed that the connection to the Durham family property is not required.

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

Preliminary Plat Approval of “McDowell Place”: Consideration of a request by Sears Design Group, P. A. on behalf of Fitch Creations, Inc. for subdivision preliminary approval of “McDowell Place” (formerly know as Camden South, Phase II), consisting of 15 lots on 17 acres, located off SR #1812, Weathersfield, Williams Township

Bill Sommers stated that he lives near McDowell Place; that he observed that construction had already begun when approval was first sought; that this was before the Board of Commissioners had given approval to the preliminary plan; that the subdivision ordinance requires that approval must be granted first; that it appears that the subdivision ordinance was violated; that the Board is put in a difficult position; that there should be a \$10,000 donation to Habitat for Humanity so that they would learn that the law/rules should be followed; that after application, the Planning Department should submit an affidavit stating that construction has not yet begun.

Commissioner Vanderbeck stated that Fitch Creations, Inc. has a good record of economic development of Fearrington Village; that they have contributed significantly to the economic, social, and cultural growth of Chatham County; that one thing that they do not wish to do is set a prescient if allegations prove to be true; and that he would like to make a motion as follows:

Commissioner Vanderbeck moved to table this matter, to ask the Planning Enforcement Officer to investigate any allegations of any violations, to report back to the Board if any of these prove to be supportable, that they make recommendations on any possible sanctions or fines that may be applicable, and that it should be revisited at the next Board of Commissioners' evening meeting on June 18th. Commissioner Lucier seconded the motion. The motion carried five (5) to zero (0).

PLANNING AND ZONING

Public Hearings:

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

Public Hearing Request to Rezone Two Properties: Public hearing to receive public input on a request by Hardip Dhillon to rezone two adjacent properties, Parcel #5522 consisting of 9.1 acres and Parcel #5566 consisting of 4.46 acres from RA-40 (residential/agricultural) to B-1 (business) located off Old US Highway #1, Cape Fear Township

Loyse Hurley, 16 Matchwood, Pittsboro, NC, President of Chatham Citizens for Effective Communities (CCEC), stated that CCEC does not object to Mr. Dhillon's request to combine and rezone 13.56 acres; that a B1 use for the property appears to be suitable for the area; that they also note that an additional four acres of his property was approved for a similar rezoning by the Board at their first meeting, on December 18, 2006; that their problem has to do with the basic lack of specific information required of an applicant in these circumstances; that the Board is asked to approve a rezoning request with two pages of acceptable uses for B1 zoning; that that means this property could have a funeral home, a pawn shop, or a mini-mart on it; that in rezoning this and other similar properties, the Board has no idea of what is actually planned for the area; that this does not appear to be the most effective way in providing planning for Chatham County; that perhaps a Conditional Business Use permit should be made part of this process; and that some mechanism is needed for these rezonings to have more specificity.

Commissioner Cross stated that he agreed with Ms. Hurley that it would have been good to have a stated use for this; that the previous rezoned property that the Board approved for Mr. Dhillon was not connected to this property; that these two properties are located next to D&D Mulch Company on Old US Highway #1 which is zoned heavy industry; that the request is to take a home and the current acreage and a business nursery and retail center which does fit the area; that it would be a good idea when the applications are taken, to put that information as to what they plan to do.

Jeffrey Starkweather, 590 Old Goldston Road, Pittsboro, NC, stated that under zoning law, the Board is rezoning law by category, not by use; and that they must consider all possible uses.

Public Hearing Request to Rezone Acreage: Public hearing to receive public input on a request by Carter Crawford for Paul Austin to rezone approximately 17.37 acres of Parcel #73961 consisting of 77.62 acres located within an RA-40 (residential/agricultural) zoning district to Conditional Use Light Industrial, located at 245 Buckhorn Road (SR #1921), Cape Fear Township

Todd Roper, 1160 Silk Hope Lindley Mill Road, Siler City, NC, stated that he represents Paul Austin; that Mr. Austin owns a 77 acre tract in southeast Chatham; that one of his requests is to change about seventeen acres to a light industrial zoning designation; that the next request is to put conditional uses within that light industrial category; that the third request is that Austinville will be an recreational vehicle campground which will be a conditional use already permitted within the RA-40 zoning; that Paul Austin is a heavy equipment operator by trade; that he felt, after doing construction project after Hurricane Katrina and staying in campgrounds, that it would be nice to have recreational activities; that he has, at times, been running charitable functions; that this use would benefit tourism within the County; that they tried to use the natural setting within the 77 acres, increased the stream buffers to 100 feet, lessened the impervious surface for the RV park, and tried to keep it so that it maintains a nice presentation; that the Appearance Commission was very specific that they want it walled-off; that they do not want the surrounding neighbors to be able to see into it; that they helped them beef up the plantings so that it would be walled-off from the outside neighbors; that the multipurpose building is a place to have auctions, concerts, any type of function for a fund-raising event, or an entertainment type setting; and that they will be on the low end of light industrial.

Carter Crawford, 400 Heritage Village Lane, Apex, NC, stated that the property is on the corner of Highway #42 and Buckhorn Road; that much of the site is still wooded; that they are asking for a rezoning to light industrial; that they are voluntarily increasing buffers around ponds and streams; that only 9½% would be impervious; on April 4th there was a community meeting; that there were no negative comments; and that the light industrial uses are tailored to exactly what they are trying to do.

Steve Powers, 157 Redwine Lane, Moncure, NC, stated that he is a resident of southeast Chatham; that he is the Vice President of Southeast Chatham Citizen's Advisory Council (SECAC); that they have voted as a group to oppose this project; that they have a petition opposing the project; that they disagree with the five findings as follows:

“Finding #1: While the uses outlined in the application may fall within the guidelines set forth by the County Land Use Development Plan, the uses are not compatible with the surrounding area of the project. Light industrial is certainly not an automatic use in this district and we do not desire and industrial zoning in our immediate community.

There are 93 family homes within a one-mile radius of the project. The surrounding area is residential, populated with families and senior citizens who have lived there for many years or all their lives. There are few rental properties in the area. This project is not in the best interest of the community since previous events hosted on this property by Mr. Austin have created disturbances for the neighbors, damage to neighbor's property, drinking and rowdiness by attendees, loud music that can be heard for miles, also reported by families to SCCAC officers, and continues late into the night. Numerous calls have been made to the Sheriff's office concerning the disturbances. Residents of the community are left with cleaning up the debris including beer bottles, cans strewn about by horse back riders from the events.

Mr. Austin states that existing trees will screen the area; however, in April of 2005, Mr. Austin had the property clear cut of the timber. Piles of brush and debris remain on the property. If Mr. Austin started immediately to plant an opaque evergreen landscape to shield the park from view of his neighbors and Buckhorn Road it will be a very long time before that objective will be accomplished. This opaque evergreen landscape will not mitigate the noise problem.

Finding #2 Need and Desirability: The proposed project is within 1/2 mile of Buckhorn United Methodist Church (our church), that has been the foundation of our community for over 200 years, our community center (jointly owned by Buckhorn Church and Christian Chapel Church), land purchased for Buckhorn Church Parsonage and our children's playground. Very noisy, crowded, rodeos, music festivals, motor homes and travel trailers with loud all night drinking parties are not compatible with our community. These negative aspects do not coexist with tourism and this is not the kind of tourism that we believe is wanted or needed in our community or Chatham County.

Previous rodeos and music concerts hosted by Mr. Austin have had a very negative impact on the neighbors. This proposal has no positive features for the communities of Brickhaven, Corinth, and New Hill and has only negative features that will impact the quality of life for the residents of these areas. We do not need a repeat of the problems long associated with the US Highway #421 Sports Arena.

An RV park is not necessary. There is an existing RV Park with 108 slots located less than four miles from the proposed site that is large, well maintained and on a major traveled road.

A venue for livestock and horse shows is currently available to people wishing to attend such an event within 5 miles of the proposed site. Ovation Farms is a beautiful and well-designed, well-maintained property on NC Highway #42 that provides ample off-road parking for the attendees. It is situated on 100+ acres. There are two roads providing ample ingress and egress. The corrals and barn are well back from the road and the surrounding residential area.

Finding #3 Emergency Services: Since Mr. Austin has owned this property which was purchased in April, 2000 and hosted the Austinville events, there have been numerous events where Law Enforcement or EMS response has been required.

They are: 1 EMS call and patient was airlifted to the hospital
 2 Trespassing reports
 1 Vandalism report

- 1 Larceny report
- 1 event that required Sheriff's Department Assistance
- Noise complaints

Buckhorn Road is a residential two-lane road that is a 20 feet wide, partially paved, partially dirt and ends in a dead end near Buckhorn Dam. The traffic that will be generated by motor homes, cars and trucks pulling campers and horse trailers will create a danger to the residents and motorists on both Buckhorn Road and NC Highway #42, a major two-lane road without turn lanes. The NC Highway #42/Buckhorn Road intersection is a dangerous intersection as it is due to the amount of traffic on NC Highway #42 and the blind curve of NC Highway #42 at Buckhorn Road.

The proposed site plan has a single ingress/egress to the property. This poses additional problems in the event of an emergency. During an event hosted by Mr. Austin, one of his guests was critically injured by falling from a horse. That person had to be airlifted to the hospital. It is apparent that no consideration has been given to a possible re-occurrence of a similar event.

Finding #4 Land Use and Development Plan: This project can hardly be termed "high quality" Open Space, Recreation Historic and Tourism Location. Mr. Austin has displayed to his neighbors and the surrounding community, his concept of "high-quality" open space, recreation and tourism locations in the time he has owned his property. He has demonstrated a lack of consideration of his neighbors and the community with the noise, drunken behavior, horse riding on private property and the amount of trash left in yards and on the roadway.

Finding #5 Water Source and Requirements: Mr. Austin proposes to install a waste water system that will be a combination of septic system and a "surface application" which can be interpreted as a spray field. While it is apparent Mr. Austin has sufficient land for a spray field, it is a source of concern that there will be a problem with odors and possible contamination of neighboring wells. There are several streams on Mr. Austin's property that flow to the Cape Fear River. The Cape Fear River is the source of water for the Lee County Water System. Chatham County currently has a contract with Lee County to supply water to this part of Southeast Chatham. We have obvious concerns for our water quality.

Additional Comments: The Corinth Community, since it was founded has been known as Corinth. Many of the Corinth Families are descendants of the founding families it is unconscionable that someone would come in and suggest changing the identity of this community with no respect for our heritage and family histories.

We question where horses are going to be ridden. Land in our community is privately owned. There may be a power easement on some of these properties but that is only for access by the power company or the owner. Game lands in this area are a very dangerous place for riders because this is a community that hunts the game lands during all allowable hunting seasons and are required to be licensed for that privilege and obey strict rules of the NC Wildlife Commission.

Mr. Austin is stretching the point that residents of the immediate community either know Mr. Austin well or welcome his project in their midst. We have personally talked with the members of the immediate community and they have requested that SCCAC formally oppose this project for the reasons outlined in these remarks. These same residents requested the petitions submitted to you this evening in opposition to this project.

Mr. Austin has posted "Austinville" signs advertising his events as well as directional signs at intersections and on major roadways in Lee, Harnett, and Wake Counties. These signs are placed on the right of way or on properties without the land owner's permission. The signs are not professionally produced signs but are "homemade affairs" that remain in place even when an event is not scheduled or has been long over, but the signs have not been removed.

To date Mr. Austin has been an undesirable neighbor and there is no reason to believe he would be otherwise if he were granted more options to disrupt the community."

Mr. Powers thanked the Board for the opportunity to speak on this issue of great importance to their community and Chatham County and respectfully requested that the Board deny this application.

Phillip Frazier, 670 Buckhorn Road, Moncure, NC, stated that they do not approve of what has been going on at Austinville and that this could turn into the Austinville Horror. He asked that their signed petition be made a part of the zoning request.

Donald Parker, 1635 Parker Herndon Lane, Pittsboro, NC, stated that not everyone was notified of the public meeting.

Joan Frazier, 670 Buckhorn Road, Moncure, NC, stated that she is speaking on behalf of her family and her neighbors; that their opposition has little to do with horses but rather the behavior of the riders themselves; that when large groups are hauled in and added to the mix, it becomes a problem; that the community meeting was an empty gesture; that it was not advertised; that there were few people notified; that questions were taken care of quickly and seemingly brushed off; that she left the meeting with a sense of dread; and that as a resident, she respectfully requests the denial of this proposal.

Ted Cross, 1759 NC Highway #42, Moncure, NC, stated that he lives ½ mile from this property; that he can hear loud music at this property already; that we open the door wide open for anything (like a nudist colony); that he represents the children of Corinth; and that the roads are not sufficient to handle what is coming in there.

John Hellding, 1761 NC Highway #42, Moncure, NC, stated that roads do not serve them well right now; that the traffic increase in their community has increased steadily over the last few years; that he is concerned for his children and others in the community; that he respects Mr. Austin's right to request this process, but asks that the Board respect the obvious majority and deny this request.

Virginia Gillis, 1909 Avent's Ferry Road, Sanford, NC, stated that she is a landowner across the road; that she is concerned about the property values in the area; that she feels that rezoning to light industrial from RA-40 would be a wrong thing to do; that Mr. Austin's property joins other property with no barriers; that the entrance to the property has no landscaping or improvements; that in *The Sanford Herald* an advertisement lists available campsites for \$15 each; that she feels that they are getting the "cart before the horse" in advertising the available campsites; that if this request is approved, she would like to see "quiet time" mandated for 10:00 PM.

Henry Boyd, 287 Ellis Road, Moncure, NC, stated that no one asked him to sign a petition; that this proposal would be good for Chatham County; that Mr. Austin raised money the previous weekend for a sick child and the time before that for a ferrier for folks in the community; and that he would like to see any future petitions.

BREAK

The Chairman called for a ten-minute break.

Public Hearing Request for a Conditional Use Light Industrial Permit: Public hearing to receive public input on a request by Carter Crawford for Paul Austin for a conditional use permit for private and public recreation camps and grounds on approximately 20 acres of Parcel #73961 consisting of 77.62 acres. Located within an RA-40 (residential/agricultural) zoning district, at 245 Buckhorn Road (SR #1921), Cape Fear Township

Carter Crawford, 400 Heritage Village Lane, Apex, NC, stated that he will speak only to the conditional use permit application for private and public recreation camps and grounds on approximately twenty acres located within an RA-40; that they are proposing eighty parking spaces; that each space is divided by green space as wide as the parking space itself; that they are trying to build winding streets through existing trees, take as many existing trees as they can to provide a comfortable and attractive place for people to park their vehicles; that at the Appearance Commission meeting, they were asked to address a

number of issues; that they went through a long process and came up with a plan that shows a total opaque screen around the entire perimeter of the RV park that is visible from all sides; and that is in addition to the existing trees.

Loyse Hurley, 16 Matchwood, Pittsboro, NC, President of Chatham Citizens for Effective Communities (CCEC), stated that in the interest of time, they are providing their comments on both Conditional Use proposals since they are interrelated; that in reviewing these two Conditional Use Permit requests for this proposed campground, CCEC has found several areas of concern:

“1. This property is located on Buckhorn Road which is a rural, two lane roadway which is partially paved and dead ends beyond the proposed campground. Highway #42 leading onto Buckhorn Road is also a narrow two lane road. These roads appear to be inadequate for the proposed heavy tourist and campground traffic contemplated for this area. The proposal contemplates some eighty RV camping spaces, a place for horse trailers, along with an arena, where the public can come for entertainment and only one entrance into and out of the property is planned. The proposal does not adequately address Finding #3, specifically for emergency vehicles and other traffic and would be detrimental to the safety of the community. It also does not meet Finding #5, specifically inadequacy of access roads.

2. The proposal includes plans for an arena for festivals, concerts, horse auctions and benefit sales. Chatham has already had some experience with arenas located in rural neighborhood areas, so the County is familiar with the problems of noise, traffic, and litter associated with events held at these arenas. The County is familiar with the potential for criminal activities at such places. The applicant does mention that they will apply for appropriate noise permits for any activities that are expected to generate noise, so it is a reasonable expectation that the applicant does expect the noise issue to be a problem. We do not believe this application meets Finding #2, the use is not essential or desirable for the public welfare and Finding #3; the proposed use will impair the integrity or character of the surrounding district and will be detrimental to the health, safety, and welfare of the community.

3. The application for the eighty site RV park includes an April 4, 2007 letter from Jeff Vaughan to Mr. Austin where he indicates a preliminary discussion of a surface application system with or without treatment was held. Translated this means that they could dump raw sewage directly on the ground, since the application does not specify any pretreatment for this area of the campground. They need some pretreatment for the discharge of any domestic sewage or wastewater and such pretreatment should be specified in their application. They do not specify a collection system from the RVs nor do they specify whether or not there will be sewer hook ups for these RVs. Finding #3 is not met with respect to the health issues. Finding #5 is not met with respect to adequate utilities.

4. The property has two streams on it that flow into the Cape Fear River Basin. That is a source of public drinking water for other counties as well as for Moncure. While the applicant is voluntarily planning 100 foot buffers for these streams, and that is to their credit, there is a pond on the property. Although mentioned tonight, buffering around that pond was not addressed in their application, nor was the protections of any wetlands in the area addressed. Horses are planned to be on the property, yet there is no mention of keeping the horses out of any buffered areas. Personally, I have never tried to housebreak a horse, but I suspect there may be serious difficulties in doing so. Finding #3 and Finding #5 are not adequately met.”

Ms. Hurley urged the Board to reject this application and not grant these two Conditional Use Permits.

Martha Huddleston, 1040 NC Highway #42, Moncure, NC, stated that she can hear the music a mile away when she is outside; that she has had to escort men on horseback off her adjacent property; that there is erosion on her property; that there are too many negatives to this request; that she has never met Paul Austin; that she heard about the meeting the day of the meeting; that she can see everything from the property line; and that she is against the request.

Donald Parker, 1635 Parker Herndon Lane, Pittsboro, NC, asked where the horses go when they leave the property.

Ted E. Cross, 1759 NC Highway #42, Moncure, NC, stated that there have been a number of complaints about the neighboring land where people are riding on private property without permission; that they all live in the same community, go to the same church, and they have interest in their community; and that if one gives respect, they get respect.

Henry Boyd, 287 Ellis Road, Moncure, NC, stated that people should not go behind someone's back and gather petitions; that Mr. Austin is a good man trying to do a good thing; and that it will mean additional tax revenue to help the County.

Citizens asked questions of the applicant and his attorney

Public Hearing Request for Conditional Use Permit for Private and Public Recreation Camps: Public hearing to receive public input on a request by Carter Crawford for Paul Austin for a conditional use light permit for a multi-use building for uses including festivals, concerts, horse auctions, plays, and benefit sales on approximately 17.37 acres of Parcel #73961 consisting of 77.62 acres located at 245 Buckhorn Road (SR #1921), Cape Fear Township

Carter Crawford, 400 Heritage Village Lane, Apex, NC, stated that any plan that is implemented here has to be permitted by the County and perhaps the State. He answered questions from the Board and citizens.

Todd Roper, 1160 Silk Hope Lindley Mill Road, Siler City, NC, stated that he and his client respect the process; that the meeting was voluntary and was not required; that the reference to the airlifted individual was a person was with another group of riders and injured off of the applicant's property; that the applicant has hired off-duty deputies for security; that they do want to listen to the property owners and they want to make changes to help this project fit in the character of the area; and that he encourages the Board of Commissioners and Planning Board to visit the property.

He answered questions from citizens in attendance.

John Hellding, 1761 NC Highway #42, Moncure, NC, stated that he felt that a good neighbor is a quiet neighbor; that he has not done that to this point; that he was concerned that the applicant has not complied and been a good neighbor to this point. He asked that the Board deny this request.

Jonathan Cawley, 1773 NC Highway #42, Moncure, NC, stated that he lives about ½ mile from the applicant's property; that he moved to Corinth for a safe, quiet place for his kids; that there won't be professional families moving into the area with this type of noise.

Public Hearing Request for Conditional Use Permit for Privately Owned Camp and Grounds: Public hearing to receive public input on a request by William Jeffrey House for a conditional use permit for privately owned camp and grounds for campers, travel trailers, recreational vehicles, and motor homes on Parcel #11257 consisting of 10.35 acres, located off SR #1931, Moncure School Road., Haw River Township

Cindy Perry, Box 264, Pittsboro, NC, attorney representing Jeff House, stated that she wanted to assure the Board that not all campgrounds were alike; that that the application is for a campground; that she and the applicant worked with the Board of Commissioners and the Planning Board to amend the zoning ordinance to allow this use; that this campground will provide space for contractors in industrial areas; that the contract workers come and are highly skilled; that workers have twelve-hour shifts that will not impact school traffic; that there will be a boost to the area; that the House family lives on the tract of land and will enforce the rules and regulations; that it will have a central septic system that has been reviewed by the Health Department; that the campsites are deep within the property; that there are letters of support for this project; that Ray's Supermarket would greatly benefit from this campsite; and that she requests that the Board approve this property.

Ms. Perry answered questions from the Board.

Ken Jeffries, PO Box 266, 140 Moncure School Road, NC, stated that he is an adjoining landowner; that the plan looks really good; that it is will be good for the community; and that the House family is good stewards of the land and the community.

Bobby House, Jr., 801 Mt. Zion Church Road, Thomasville, NC, stated that his brother and father have prepared a good plan; that this property and this plan would take care of their special needs brother for the rest of his life; and that he requests approval of the request.

Alan Miller, 446 Moncure School Road, Moncure, NC, stated that he is an adjacent landowner and that he supports this project.

Bobby House, Sr., Box 317, Moncure, NC, stated that his son Bart is a special child that works at LCI (Lee County Industries) in Lee County; that this will help him the rest of his life; and that he appreciates the support of the Board of Commissioners for their family.

Ron Brown, PO Box 347, Moncure, NC, stated that he is a neighbor stated that the RV lot would be an asset to the community; that it will help provide for Bart after his parents pass on; and that he approves of the request.

Gordon Parker, 3224 Corinth Road, Moncure, NC, stated that he has known the House family and worked with Jeff House at Progress Energy; that this park would fill a need; that this proposal is unique; that it is not a money making enterprise but a means of financial income to provide for his brother; and that this would be a vote to help the financial needs of a special person.

Public Hearing Request for Revision to Conditional Use Permit: Public hearing to receive public input on a request by applicant Absolute Land Survey for Windsong Muse, LLC for a revision to a conditional use permit for Windsong Retreat O&I for bed and breakfast facility and retreat and conference center for new owner (Windsong Muse, LLC) to include a professional recording studio on Parcel #17475 consisting of 16.756 acres, located at 2540 Seaforth Road (SR #1941), New Hope Township

Michael Tiemann, 2540 Seaforth Road, Pittsboro, NC, thanked the Board for considering their request to allow the operation of a music and media arts studio as a permitted use of their O&I property in the New Hope Township. He stated that historically, Windsong was a working farm, with a large barn, a chicken coop, and a congregation of outbuildings; that today, they have a mission of serving the community by hosting retreats, yoga classes and other community events, enhanced by the natural beauty of pastoral land, forests, streams, and a pond; that their desire for the future is to expand their existing facility by constructing a new building in the location where the old barn (which collapsed before they owned the property) once stood, restoring that part of the land to productivity in the 21st Century economy; that the plans the Board sees in the submission represent their absolute commitment to three fundamental considerations: Acoustic Performance, The Natural Environment, and Educational Outreach; that these three considerations are reflected in three practical ways: Adoption of Innovative Technologies, Green Building and Operating Plans, and Economic Development & Cultural Benefit; that every stone that is laid, every corner that is made expresses in form and delivers in function the design considerations of the project, as the Board can see from the interior and exterior renderings of the studio and throughout their responses contained in the Five Findings document; that the 20" thick, acoustically isolated, double masonry walls are but one example of their total commitment to ensuring both the integrity of the recording environment inside the studio and the preservation of rural tranquility outside the studio; that this body is charged with the responsibility of determining appropriate land use; that they have studied the Chatham County Zoning Ordinance documents and the Strategic Plan, and as they wrote in the Five Findings, they believe their proposed use is consistent with the laws of the land, it is beneficial to the people, good for business, and it is respectful to the environment; and that their plans also match the growing market demands for top-flight production environments located in beautiful and peaceful environments that stimulate creativity and inspire artistry.

Mr. Tiemann stated that he recently learned that Pittsboro's General Store Cafe is planning to expand their facility to provide a much larger venue for live musical

performance; that as members of the Pittsboro community and as customers of the General Store Cafe, this is great news; that in light of the plans they have submitted for the Board's review, this is truly wonderful news; that the more artists they attract to Pittsboro to perform, the more they increase the market of those who may wish to record, mix, or produce media at our facility; that conversely, artists looking to record in their facility (which will rival the finest studios in Nashville) will be able to "keep it real" by playing live at the nearby General Store Café; that business is risk and the music business is one of the riskiest; that the complementary nature of our two businesses, one focused on live music, the other focused on recording, mixing, production, and education, increases opportunities for both of us while reducing the risks that each of us face.

Mr. Tiemann further stated that other local business will also benefit; that one constant need of working studios is catered meal services, and they can expect to send a lot of business to Chatham Marketplace and other catering companies as clients book time in the facility; that they will discuss the economic aspects of their plans in more detail at the June 12th board meeting of the Economic Development Committee; that if approved, the total impervious surface of both the existing buildings and the new construction remains less than 4% of the property, possibly among the lowest percentage of any O&I property in Chatham County, the facility will create a small but respectable number of good-paying, professional jobs, the facility will enhance the value of other Chatham County businesses, such as the General Store Cafe and the Chatham Marketplace, and Chatham County can look forward to a facility that protects the natural resources, preserves the rural character, and promotes artistic development, education, and commerce consistent with Chatham County's cultural heritage and economic future.

BOARD OF COMMISSIONERS MATTERS

Public Hearing:

Public Hearing on Moratorium: Public hearing to receive public comments on the question of whether a moratorium, not to exceed twelve (12) months in duration, on development in Chatham County should be adopted to provide the County an opportunity to rewrite and update its land use ordinances to address problems caused by rapid development and growth

The public hearing on the moratorium will be held at a recessed meeting on Tuesday, May 22, 2007 in the Superior Courtroom, 6:30 PM.

RECESS

Commissioner Barnes moved, seconded by Commissioner Cross, to recess the regular meeting until Tuesday, May 22, 2007 at 6:30 PM to hold the public hearing on the moratorium in the Superior Courtroom, 1 Hillsboro Street, Pittsboro, North Carolina. The motion carried five (5) to zero (0), and the meeting was recessed at 9:41 PM.

Carl Thompson, Chairman

ATTEST:

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