

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
JUNE 18, 2007

The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met in the District Courtroom, 12 East Street, located in Pittsboro, North Carolina, at 6:00 PM on June 18, 2007.

Present: Chairman Carl Thompson; Vice Chair, George Lucier; Commissioners Patrick Barnes, Mike Cross, and Tom Vanderbeck; County Manager, Charlie Horne; County Attorney, Kevin Whiteheart; 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 6:10 PM.

AGENDA AND CONSENT AGENDA

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

Chairman Thompson asked that Item #19, Consideration of a request to appoint Dr. Tracy Hanner to the Central Carolina Community College (CCCC) Board of Trustees, be removed from the Consent Agenda and placed under Commissioner’s Matters for discussion.

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

1. **Minutes:** Consideration of a request for approval of Board Minutes for regular meeting held June 04, 2007 and work session held June 04, 2007

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

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

A. Osprey Ridge

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

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

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

4. **Dangerous Dog Appeal Panel:** Consideration of a request to appoint Board of Health members, James Kurz, MD and Kevin Monce, DVM, to the Dangerous Dog Appeal Panel per the Chatham County Animal Control Ordinance, Section 6-5.

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

5. **Emergency Notification System to Warn Public of Impending Dangers:** Consideration of a request to approve the CodeRED Services Agreement, attached hereto and by reference made a part hereof.

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

6. **First Health EMS Agreement:** Consideration of a request to approve the EMS Agreement between FirstHealth of the Carolinas, Inc. and Chatham County, attached hereto and by reference made a part hereof.

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

7. **Subdivision Preliminary Design Approval of “Bingham Ridge, Phase II”:** Consideration of a request by J & B Partners, LLC for subdivision preliminary design approval of “Bingham Ridge, Phase II”, consisting of 15 lots on 26 acres, located off SR #1536, Lamont Norwood Road, Baldwin Township

As per the Planning Department and Planning Board recommendation, approval of the road names, “Mystic Lane” and “Suncatcher Court” and preliminary plat approval of “Bingham Ridge, Phase II” were granted as submitted.

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

8. **Subdivision Preliminary Design Approval of “Mann’s Crossing”:** Consideration of a request by Mann’s Chapel Properties, LLC for subdivision preliminary design approval of Mann’s Crossing, consisting of 41 lots on 60.5 acres, located off SR #1532, Mann’s Chapel Road and SR #1537, Tobacco Road, Baldwin Township

As per the Planning Department and Planning Board recommendation, approval of the road names “Mann’s Crossing Drive”, “Margaret Mann Way”, “Romie Court”, and “Lindsay Burke Place” and preliminary plat approval of “Mann’s Crossing” was granted with the following condition:

1. The note stating “Common area to be owned by a property owners’ association consisting of all lot owners, with septic system easement rights granted to indicate lot owners for septic system installation and maintenance” be removed from the final plat.

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

9. **Subdivision Final Approval of “Windfall Creek, Phase IV”:** Consideration of a request by Contentnea Creek Development Company for subdivision final approval of “Windfall Creek, Phase IV”, consisting of 23 lots on 137 acres, located off SR #1716, Big Woods Road, New Hope Township

As per the Planning Department and Planning Board recommendation, final plat approval of “Windfall Creek, Phase IV”, (Lots 26-48) was granted as submitted.

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

10. **Subdivision Final Approval of “Cattail Creek Subdivision, Phase V”:** Consideration of a request by James D. Kiernan for subdivision final approval

of “Cattail Creek Subdivision, Phase V”, consisting of 18 lots on 35 acres, located off SR #1506, White Smith Road, Hadley Township

As per the Planning Department and Planning Board recommendation, final plat approval of “Cattail Creek, Phase 5” was granted as submitted.

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

11. **Miscellaneous Request to Add Two Lots with Sketch Design Approval to “The Bluffs”:** Consideration of a miscellaneous request from Robert D. Swain, Polks-Sullivan, LLC to add two (2) lots with sketch design approval in Crescent Hill to The Bluffs, 112 lot subdivision (specifically Phase 3) bringing the total number of subdivision lots in The Bluffs to 114 and to be considered under the development schedule approved for Phase 3

As per the Planning Department and Planning Board recommendation (by a vote of 10-1), the request to add two lots to The Bluffs, Phase 3 and the lots to be considered under the development schedule approved for Phase 3 was granted.

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

12. **Work First Demonstration Grant:** Consideration of a request to approve the Work First Demonstration Grant application, attached hereto and by reference made a part hereof.

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

13. **Child Support Program and Adult Protective Services Contract for Department of Social Services:** Consideration of a request to approve a contract with the Law Office of Francina L. Muse for Child Support Program and Adult Protective Services, attached hereto and by reference made a part hereof.

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

14. **Grace Jones Richardson Foundation Grant for Biodiversity Project:** Consideration of a request to accept Grace Jones Richardson Foundation grant in the amount of \$35,000 for biodiversity project

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

15. **Juvenile Crime Prevention Council Recommendations for Funding:** Consideration of a request to approve Juvenile Crime Prevention Council recommendations for funding, attached hereto and by reference made a part hereof.

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

16. **Approval of Deed to Convey Property to Habitat:** Consideration of a request to approve a deed conveying the Leach Property to Habitat, attached hereto and by reference made a part hereof.

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

17. **Budget Amendments:** Consideration of a request to approve Fiscal Year 2006-2007 year-end budget amendments, attached hereto and by reference made a part hereof.

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

18. **Nursing Home Advisory Committee Appointment:** Consideration of a request to nominate Sandra J. Pickard to the Nursing Home Advisory Committee by Commissioner Vanderbeck

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

- ~~19. **Appointment to CCCC Board of Trustees:** Consideration of a request to appoint Dr. Tracy Hanner to the Central Carolina Community College (CCCC) Board of Trustees~~

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

END OF CONSENT AGENDA

PUBLIC INPUT SESSION

Rosa Sutton, 807 13th Street, Siler City, NC, stated that she attended the April 16th Board of Commissioners' meeting and presented their proposal with regard to transportation to the County Manager on April 21st; that she feels that they are entitled to a report on the outcome of that proposal; that also during that time, Commissioner Vanderbeck was going to look into several complaints that had been made; that she was given a time frame in which someone would be in touch with her regarding this matter; and that to date, she has heard nothing.

Commissioner Vanderbeck stated that sometimes they can not work on another person's time frame; that they had other things with which they had to deal; and that he thinks that there may a definitive statement from the County Manager.

Charlie Horne, County Manager, stated that he was waiting on some information from Helen Stovall, Director of Chatham Transit about the situation; that it is linked to the proposal; and that he will be receiving the information the next week.

Randy Voller, 21 Randolph Court, Pittsboro, NC, stated that he had a couple of questions on which he needed clarification. He stated that with the confusion on potable water and the restrictions in the northeast, they have people who are trying to do sedimentation and erosion control that want to buy water, possibly in Pittsboro; that he needs to know what to tell the people when trying to comply with the northeast. He asked if Pittsboro should be selling water or purchasing it from the County. He stated that there were a couple of developments in the northeast that are trying to put in water lines; that they are coming to the Town to buy the water and trucking it there; that he wants clarification in the matter; that it seemed silly to truck water to the northeast if it is already there; that this brings up the issue of reuse water; that they have been pushing for a long time for the 3M project; that there were some unresolved issues; that it needs to be pushed through; that they are constantly reminded that they need reuse water; that they may need it from here on out; and that they will cooperate and do whatever they can to get it done.

Mr. Voller asked about an old lease on the Spoon property that they currently have with the County which may be a site that they could use for reuse water.

Commissioner Cross stated that the last Board voted to give Pittsboro \$300,000.00 (\$5,000.00 per month) for discharge onto that property.

Mr. Voller stated that there seemed to be some confusion that needed to be resolved on the property; that the property named was located south of town; that in actuality, what was eventually adopted was north of town; and that perhaps that property needs to be brought back to the County.

Commissioner Cross stated that the owner of the properties was the same and he couldn't imagine that the location of the property would make any difference to the Board.

Mr. Voller stated that he hoped that it wouldn't; that the concept has not changed; and that as an initiative, his board asked him to come and talk with Commissioners regarding this matter.

The County Manager stated that the usages on the County's system are under the guidelines for use of water during certain times of day; that if the Town of Pittsboro wants to sell water which is used for various purposes, it is fine; however, under the County's guidelines, they are under restrictions.

BUDGET ORDINANCE

Renee Paschal, Assistant County Manager, stated that when the fire district tax rate was discussed, the issue of what to do with West Sanford Fire Department was not resolved; that they had requested thirteen cents; that the budget ordinance reflects an increase of one cent to \$0.105 cents; that the only other things that the Board did not specifically talk about during the budget work session was increasing the mileage reimbursement rate for County employees' travel which is to match the IRS reimbursement rate which will go from \$0.445 to \$0.485; and outlined in the ordinance, all changes from the recommended budget and shown whether it was by Board action or some other circumstance. She pointed out that in Section 5 of the ordinance, staff is recommending that the Board allocate the school budget specifically for the expense categories of current expense, i.e. English as a Second Language, Teachers' Supplements, Newcomers Program, Rocky River Water Quality Monitoring Project, specific capital outlay funding (restricted to the uses outlined in the Chatham County School's budget with the exclusions that the County Manager recommended in the recommended budget).

Chairman Thompson noted that the budget is being adopted with a two-cent increase on the tax rate; that one cent is going toward the construction of the new judicial facility due to cost overruns and one cent for operational costs for the new Virginia Cross School and for teacher supplements.

Commissioner Barnes moved, seconded by Commissioner Lucier, to adopt the FY 2007-2008 Budget Ordinance, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

PLANNING AND ZONING

Public Hearings:

Public Hearing to Locate A Communication Tower Within Chatham County for the 2007 Tower Plan: Public hearing to receive public comments on a request by David Amory, Chase Real Estate Services, on behalf of Sprint Nextel to locate a communication tower within Chatham County for the 2007 tower plan as follows:

- 190 FT. monopole on NC 42 in Corinth, Area 3

Keith Megginson, Planning Director, explained that each year, the County has a cell-tower annual review; that anyone wishing to put up a communication tower in the County submits their application; that the idea behind this is that people will get together and talk about where they want the towers to be; and that the Board can see all of the requests at one time. He stated that this is the purpose of each of the three public hearings at the night's meeting; that the last two public hearings are for search rings; that they are not for specific sites and properties have not been identified on which to locate the towers; and that later during the year, they identify the properties and return later in the year to the Board.

David Amory, 8001 Raintree Lane, Charlotte, NC, with Chase Real Estate Services, thanked the Planning staff for its patience with their submission and applauded the Board for their comprehensive approach to siting the towers, stating that it makes sense for the Board to review the plan annually to see where everyone is going; that if there is an opportunity to share sites, it makes all the sense in the world; that when they submitted theirs, they received

a call regarding a search ring close to where they are looking; that he has called a couple of folks at Crown but has not received the specifics; and that if there is an opportunity for them to work together with them, they will be glad to do so. Mr. Amory answered questions from the Board.

Public Hearing to Locate Communication Towers Within Chatham County for the 2007 Tower Plan: Public hearing to receive public comments on a request by Brenton W. McConkey, Parker Poe Adams & Bernstein LLP, on behalf of Crown Castle International to locate communication towers within Chatham County for the 2007 Tower Plan as follows:

- 199 ft. self supporting on NC Highway #42 east of Corinth, Area 3
- 199 ft. self supporting on west side of Big Woods Road near Hugh Stone's land, Area 3
- 199 ft. self supporting on east side of Old Graham Road and north of Russell Chapel Road, Area 3

Mr. Megginson stated that this request, on behalf of Crown Castle International, is to locate three communication towers within Chatham County; that one request is for a 199 foot tower on NC Highway #42, one is for a 199 foot tower on the west side of Big Woods Road near Hugh Stone's land, and the third is for a 199 foot tower on the east side of Old Graham Road, north of Russell Chapel Road.

Shelley Theye, 1065 Boothe Hill Road, Chapel Hill, NC, thanked the Board for the opportunity to speak. She stated that because of the close proximity to Jordan Lake, she was concerned that the tower not have lights on it; that because of bird migration, it could be hazardous to birds; that Jordan Lake is an important bird area; that it is designated through the North Carolina Audubon Society as an important bird area; that it is also a significant natural heritage area; that in her opinion, lights on the tower would be hazardous; that if there are security lights on the tower, she would like for them to be shielded so as not to light the sky around the tower; that it states in the Ordinance Regulating Communication Towers in Chatham County, that telecommunication towers can not be placed in any major wildlife areas identified in the inventory of the natural areas of wildlife habitats of Chatham County; and that still towers may be allowed if located upon existing structures and buildings; that for towers in eastern Chatham, defined to be along US Highway 15-501 and eastward, access to the tower site shall be permitted to obtain information on the impact of tower sites, configurations, and lighting systems to help protect Bald Eagles and migratory birds; that access shall be by scientists from the Communication Tower Working Group of the United States Department of the Interior; and that said groups may conduct bird counts and install on a temporary basis scientific equipment to evaluate bird movements.

John Creason, 3375 Old Graham Road, Pittsboro, NC, stated that there are covenants on those properties to leave the woods as they are in order to keep the wildlife satisfied and citizens can enjoy the scenery and a particular environment; that it is his impression if a twenty foot tower is put up, there will have to be a strobe light placed on it; that they can sit on their front porch and see the band of stars across the sky; that is why they bought there; that a covenant was on the land to protect it from that sort of thing; that to suddenly plop down a strobe light in the middle of their sky is a total injustice to people who live there; that under that spot, there is a meditation center of seventeen acres in the center of the target; that the impact on the meditation center should be considered; that he doesn't understand the location, as it has to be one of the lowest points in that part of the County; that it is basically in the riverbed of Brooks Creek; that one and one-half mile further up, they will be at the top of the ridge line where there is a water tower that could potentially house the tower; that from Jones Ferry, Crawford Dairy, and Brooks Creek, it is a dead zone for cellular phones; that it is in the shadow of Chapel Ridge; that if they put the tower where they are proposing, it is still in the shadow of the ridge line; and that he wonders why they don't put it where there is another tower with a light on it which would be a better location for it.

Allison Weakley, 311 Boothe Hill Road, Chapel Hill, NC, stated that the Board should be aware of the many Significant Natural Heritage Areas (SNHAs) around this portion of Jordan Lake (see green cross-hatching on attached map), and the Bald Eagle

populations that occur here; that this is an environmentally sensitive area; that there are several SNHAs nearby the proposed cell tower location; that adjacent to Hugh Stone's property (the approximate cell tower location), is part of the Big Woods Upland Forest SNHA; that the green squares on the map indicate portions of the Big Woods SNHA where high quality plant communities tracked by the NC Natural Heritage Program occur; that the Jordan Lake Bald Eagle Habitat SNHA, the Boothe Hill and Herndon Creek Ravine SNHAs, and the Bush Creek Marshes SNHA all occur in this area. She indicated that the purple squares on the map indicate where Bald Eagles are actively nesting; that there are significant wading bird rookeries (tracked by the NC Natural Heritage Program) that occur in the Bush Creek Marshes SNHA; that all of the squares on the map indicate populations of rare animals, rare plants, high quality natural plant communities, or special animal habitats that are tracked by the NC Natural Heritage Program; that she hopes that the Board will consider the impact of the proposed cell tower on the Significant Heritage Areas, the Bald Eagle habitat, the wading bird rookery, and the scenic perspective from Jordan Lake. She stated that the drop off from the Carolina Slate Belt to the Triassic Basin is an abrupt elevation change in this area; that the County may want to consult with the US Fish and Wildlife Service, NC Wildlife Resources Commission, and the NC Natural Heritage Program about the proposed cell tower location; that when examined more closely, Hugh Stone's property is quite prominent from Jordan Lake and from the surrounding mountainous areas; that Jordan Lake is one of approximately ninety important bird areas (IBAs) designated by the Audubon Society in the State of North Carolina; that Jordan Lake is the only one located in Chatham County; that IBAs are extremely important for migratory birds, waterfowl, and other wildlife; and that she hopes that the Board will consider the location of the cell phone tower relative to the importance of natural resources and scenic views in this area. The map is attached hereto and by reference made a part hereof.

Jeff Bandini, 1400 Wachovia Capital Center, Raleigh, NC, thanked everyone for reviewing the applications and listening to their presentation. He stated that there are three search rings proposed; that no property has been identified where the tower would be located; that they decided to find aerial coverage needed and then apply in accordance with the ordinance; that all three towers are proposed to be 199 feet; that they are not required to have strobe lights; that the intent of all three towers is to provide service to highway areas and coves in the vicinity in which the search rings are located; that with respect to the elevation, that is the case; however, there are holes in the valleys and lower elevations; that the towers are intended to fill the holes; that there are no existing towers in the area which would provide sufficient coverage in the areas proposed for the search rings; that they have contacted Spring-Nextel and received a response telling them that they will actually compliment each other; that they are talking with them regarding co-location but expect to have to build two separate towers in order to provide adequate coverage; that they will research all properties to find the most suitable and return to the Board for approval.

Commissioner Vanderbeck cautioned that Mr. Bandini check into the airstrip located on Chicken Bridge Road stating that the tower might need to be relocated.

Mr. Bandini answered questions from the public.

Public Hearing for Co-Location on Existing Tower Located on North US #421: Public hearing to receive public comments on a request by Micah E. Retzlaff, Excell Communications, Inc., on behalf of Verizon Wireless for co-location on the existing SBA 300 ft. lattice tower located on north US Highway #421

Mr. Megginson stated that this was a request by Verizon Wireless to co-locate on an existing tower.

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

PLANNING AND ZONING

Preliminary 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

Mr. Megginson stated this item had been considered earlier and postponed; since that time they had worked with the applicant and the site had been inspected; that it now meets the requirements for preliminary approval; and that July 20th was the deadline for a determination to be made on the request.

Del Turner, Planning Board member, stated this development had been started without permission of the Board; she asked what the result of that might be; that the County could not allow developers to do that; and that she was concerned that people violated regulations and were not penalized.

Commissioner Vanderbeck stated that he had brought this up at the last meeting and suggested that it not be voted on in order to take a stand on these kinds of violations; that at that time the Planning staff indicated there was a \$50 fine per day after a certain amount of notice; that this was a mere pittance but it was what was currently on the books; that the Board intended to work on that and try to put some teeth to it; that if the fine was assessed now, it would be \$850; and that that was the extent to which the law allowed them to fine the developer.

Commissioner Vanderbeck, responding to a question about why the Planning staff did not place a Stop Work Order on the property, stated that when it had come to his attention, he had asked Town staff not to issue any permits; that even though a Stop Work Order had not been issued, it was understood that no further work could continue; and that to his knowledge, no further work had taken place on the site other than to secure it.

Chairman Thompson asked about the fine that could be levied, noting that the Board would actually have to approve the request in order to levy the fine. Mr. Megginson responded that he had talked with the Institute of Government at UNC-Chapel Hill; that the nature of the violation warranted a \$50 per day fine; and that the fine could be levied only for the number of days that work took place.

Commissioner Vanderbeck asked exactly what the amount of the fine would be. Mr. Megginson responded \$50 total. Commissioner Vanderbeck remarked that was not punitive, and the Board will be looking at that portion of the ordinance to identify changes to be made in order to levy more punitive fines.

As per the Planning Department and Planning Board recommendations, Commissioner Cross moved to apply the fine and grant preliminary plat approval with the following two (2) conditions:

1. The stream buffer on the final plat shall be labeled a 50 foot water hazard setback/vegetative stream buffer.
2. The unpaved trail shall be located a minimum of 10 feet from the edge of the stream.

Bill Sommers, 29 East Madison Street, Fearington Village, stated he was the person who asked that McDowell Place be put on the public agenda because he believed that Fitch Creations and Sears Design Group had cooperated in doing the basic utility construction on their project even before they had received preliminary approval from the Planning Board; that they had violated both the Subdivision Ordinance and the Instructions issued by the County subdivision administrator; that these documents emphasize that no construction is to take place until the preliminary plan has been approved by both the Planning Board and the Board of Commissioners; and that logic dictated that a law is a law.

Mr. Sommers stated that he now realized that, particularly based on the Planning Director's May 21st note to the Board of Commissioners and Mr. Fitch's letter to the Commissioners of May 22nd, is that in fact, the Subdivision Ordinance and its procedural

rules have already been amended in actual practice; that Fitch Creations has pointed out that they already had their basic permits and believed they had every right to begin construction without preliminary plan approval, underlining their apparent operating principal that the Planning Board's preliminary approval is but a perfunctory and perhaps needless action; that the Board of Commissioners' approval is even more unnecessary; and that Fitch Creations apparently operates on the theory that some laws, particularly those at the County level, are not laws. He wondered how many other developers have adopted the same criteria on this particular point, noting it is too scary to contemplate.

Mr. Sommers stated he had also thought that the esteemed Sears Design Group, in its work with and for Fitch Creations, might have, based on the ethics of the landscape architecture profession, suggested to Fitch Creations that it would be a better approach to follow the Subdivision Ordinance as written rather than to cooperate in its amendment via actual practice. But this, too, he stated, was a vain hope when it became clear that while Sears Design Group was handling Fitch Creations request for preliminary approval before the Planning Board, its principals likely were fully aware that construction had already begun even before the submission was made. He stated that here, too, the probability is that ethical considerations were being amended to fit actual practice.

Mr. Sommers stated he would only hope that this new Board of County Commissioners will carefully review the Subdivision Ordinance to determine how extensive have been the amendments via actual practice, to close existing gaps, and to require a more coordinative administrative approach in enforcement.; and that the Board's courage in passing the Moratorium Ordinance will not be undermined by a new spate of amendments via actual practice.

Commissioner Barnes seconded the motion.

Commissioner Barnes asked that Mr. Megginson bring back to the Board for consideration an amendment that would prevent this from happening in the future, either by raising the fine or through some other process. Mr. Megginson stated that there was a committee reviewing the entire ordinance now.

Commissioner Lucier asked what the timetable was for amending the subdivision ordinances on which the Planning Board was working. Chairman Thompson said he believed the deadline was October.

Commissioner Lucier stated that he believed the Board definitely wanted the fine structure amended significantly.

Sally Kost, Planning Board member, stated the Planning Board was aiming for a fall deadline, but if the Board wanted particular issues brought up front such as the fine structure, then it could be made a priority and the amendments brought forward in two parts, with the first part to address immediate concerns and then other concerns addressed later.

Commissioner Lucier asked that the Committee look at that to see what was feasible, and how you would divide the issues up into Phase 1 and Phase 2.

Jim Hinkley, Planning Board member, stated that the General Statutes allowed for a \$500 per day fine, and believed that such a change could be made within a month or so after a public hearing was held to get public comment.

Karl Ernst, Planning Board member, said this was a significant issue, and the Board had the option to change that ordinance after a public hearing, without waiting for the Planning Board's recommendations.

Commissioner Barnes noted that once a public hearing was held, the Board would need to send the issue to the Planning Board for its recommendation before the Board could act on any amendments.

Chairman Thompson called the question.

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

Sketch Design Approval of “Lystra Road Subdivision”: Consideration of a request by Dornoch Group for subdivision sketch design approval of “Lystra Road Subdivision”, consisting of 59 lots on 144 acres, located off SR #1721, Lystra Road, Williams Township

Mr. Megginson stated that this development had started out as 140 lots, but was now at 59 lots on 144 acres. He said various changes had been made and various items addressed during the Planning Board meeting; that there were four issues noted at the top of page 3 that the applicant had agreed to address; that the Planning Board was recommending denial of the request by a vote of 7-4; and that the Planning Department’s recommendation was for approval with the revisions as agreed to by the applicant and with two additional conditions as listed. Mr. Megginson explained the issues that were of concern, including stream buffers.

Gray Styers, attorney for the applicant, noted that there would be no houses or structure within 300 feet of Herndon Creek.

Commissioner Vanderbeck asked, regarding the traffic impact, if they used DOT’s 3% growth formula, and did they feel comfortable with that given how the County was growing, the commercial development expected in the area, and the potential new high school. He asked if the analysis adequately addressed those issues.

Mr. Styers responded yes, and explained why: they had not used just DOT’s 3% growth formula; they had looked at the approved projects in that area, specifically Boothe Mountain, Williams Corner, Chatham Downs, and Briar Chapel; their traffic numbers included all of those projects and then they had overlaid the 3% on top of those numbers; they had looked at all the off-site improvement projects for those developments and the projected traffic counts and all had been included by their traffic engineers. Mr. Styers said they were only talking about 59 homes here, so the impact would be marginal.

Commissioner Vanderbeck stated that the area around Big Woods, Lystra Road and Jack Bennett Road was projected to be a Level of Service F by 2011, and asked for a response.

Mr. Styers stated that the traffic impacts of this development were so marginal that it would not affect the traffic grade. He said this development would not affect the level for service at that location.

Earl Lewellyn, head of the Traffic Engineering Group with the John R. McAdams Company, stated that Mr. Styers was correct in that the level of traffic increase will not be noticeable. He added that the projected Level of Service F by 2011 was only for the Jack Bennett Road approach, adding that on the whole, the area would operate at Level of Service A. Mr. Lewellyn stated the Level of Service F would occur only during the peak hour in the morning, noting that Level of Service F was not uncommon on such side streets or intersections.

Commissioner Vanderbeck stated his concern was that this area was the entrance to a high school. Mr. Styers stated that this development would not be adding noticeable traffic to the area, adding that eventually Jack Bennett Road would be signalized but not due to this development.

Jim Hinkley, a Planning Board member, stated the traffic issue was a secondary matter; the part of the property to the south where the power easement right-of-way was located was so severe and steep that in his opinion it was hardly developable.

Mr. Styers stated the areas with the steeper slopes were the areas where they had pulled the lots back. He said that was how they had ended up with only 59 lots proposed on 144 acres, and the steepest-sloped lots had less than an 18% grade.

Commissioner Barnes asked what the maximum slope was that DOT recommended for a road. Mr. Lewellyn responded it varied based on the overall terrain, noting that DOT would have to approve them should this project move forward.

Commissioner Barnes stated that DOT typically recommended 15%, and did not like anything over that. He said an 18% slope was steep, and during ice or snow it would be difficult to drive on. Commissioner Barnes said he did not want to see such a sloped road in a subdivision.

Commissioner Barnes stated he had not supported this development from the beginning for several reasons: that he drove in that area several times a week, and the traffic was miserable; that it was a major crossover going from Fearington Road at Highway #64 to Chapel Hill, over to Lystra Road and Jack Bennett Road; that many construction vehicles traveled in that area; that even one more car added to the road would affect the traffic; and that a subdivision was being developed on Lystra Road now.

Commissioner Barnes said this land was not fit for a subdivision and it was not fit to cut into the slopes. He said it was an undesirable piece of land to tear up for a subdivision that was not needed. Commissioner Barnes said he wanted to see added to the ordinance amendments that gave authority to the Board to reject development on such an undesirable piece of land. He said it would not help or improve the County, and he saw no reason to approve it.

Commissioner Lucier asked what areas of the road were greater than a 15% slope. Mr. Styers pointed out on the plan three small cul-de-sacs that had steep slopes, but without a complete slope analysis he could not say the exact percentage of slope. He said those cul-de-sacs had been pulled back to keep them out of the steeper areas and to provide appropriate buffer.

Mr. Styers noted that those slopes were before grading and construction, and might very well be much less than that when completed.

Mr. Lewellyn stated that once the roads were designed, none of them would be over a 10% slope.

Commissioner Lucier noted they had agreed to do an Environmental Impact Statement that would be reviewed prior to preliminary plat submission by the Environmental Review Board. Mr. Styers stated that was correct, adding that all of these issues would be revisited at that time.

Commissioner Lucier stated they had also agreed to conduct an eastbound deceleration right turn lane/westbound left turn lane study off of Lystra Road, if allowed by DOT. Mr. Styers said that was correct.

Simon Smith, 598 Jones Branch Road, Pittsboro, NC, asked the Board not to approve the sketch design request; that the sketch design had changed three times since the initial submission in February; that the latest design still did not show all the streams that have been identified by the Department of Water Quality; that he believed the developer was rushing and was not being sufficiently careful; and that he was concerned about the manner in which the latest changes were handled.

Mr. Smith expressed his concerns as follows: even though the number of lots had been reduced to 59, he was still concerned about the traffic on Lystra Road; the developer's revised study was flawed because it was conducted in mid-April when Lystra Road was being repaved, and motorists avoided traveling on the road during that time; the developer's viewpoint appeared to be that because their 59-lot subdivision was only going to make the

traffic situation slightly worse that they should be allowed to proceed; he was concerned about mud flowing downhill into Herndon Creek and Jones Branch Creek during construction, as had happened during the Westfall development; he was concerned about the many septic fields on steep slopes which Commissioner Cross had agreed did not function well; he was concerned that given the numerous seeps and streams on the property wastewater will flow into Herndon Creek and then flow downstream to Jordan Lake; he was concerned that about 20% of lots with private septic systems will require wastewater to be pumped uphill, and this was a high-risk practice that should not be regarded as a “first choice” technique; there may be too many homes connected to the community septic system given its capacity; and that the developers were using only 60% of the traffic for Briar Chapel in their figures rather than 100%.

Jennie DeLoach, 484 Boothe Hill Road, Chapel Hill, NC, referred to the map entitled “Chatham County GIS Parcel Map” and pointed out the location of her property, asking that the Board keep that in mind as she presented her concerns through a series of pictures. She stated that the first picture was of property located on Lystra Road right next to the entrance of Boothe Hill Road; that the owner decided to clear roughly 1,000 square feet to create a parking lot for his trucks; that this was particularly disturbing because the land cleared was right near the headwater for Jones Branch Creek; that the next picture is of Jones Branch Creek as it flows along her property’s border; and looking closely, one will see new soil deposited there caused by the parking lot; and that the dirt is a foot deep in spots.

Ms. DeLoach stated that there were six lots on the other side of the creek accessible by car only by using the bridge to get in and out of the community; that water has flowed over the top of the bridge twice in the past 25 years; that both occurrences were when all the trees on the proposed lot were present and no areas cleared; and that she was concerned about what will happen when the land is developed if care was not taken to lessen the negative results of the new impervious surface this development will create.

Ms. DeLoach stated that the two pictures on the last page showed sediment from the parking lot had traveled more than ½ mile downstream to the bridge on Boothe Hill Road, and showed the sediment buildup on Jones Branch Creek. She asked the Board to extrapolate out what would happen during the proposed development, and how that sediment would affect the ecology of the creek. Ms. DeLoach said if 1,000 feet of development one-half mile from her property had that much affect, imagine how much affect there would be when many thousands of square feet were cleared.

Ms. DeLoach talked about the contour of the land and how that affected wastewater flow. She then addressed the traffic study analysis, noting she considered the projections of future traffic growth to be grossly underestimated. She asked the Board to deny the application, citing Section 6.1.A of the Subdivision Application Procedure and Approval Process which specifically discussed land which is unsuitable for development because of flooding, bad drainage, steep slopes, rock formations, and other features which may endanger health, life or property, aggravate erosion, or increase flood hazards.

Commissioner Lucier asked if the developer wanted to respond.

Mr. Styers, responding to comments regarding the septic systems, stated that all of the septic systems would have to be approved by the County. He said they had gone way above what was required in their investigation of the septic systems, and their engineers had determined that there was more than enough space.

Commissioner Lucier asked how many square feet were needed. Mr. Styers said between the three septic systems, 215,000 square feet was needed.

As per the Planning Department recommendation, Commissioner Lucier moved to grant sketch design approval of “Lystra Road Property” with the following conditions:

1. The 100 buffers around the perennial and intermittent streams.
2. Nearest lot line with septic 218 feet from Herndon Creek.

3. The preparation of an Environmental Impact Assessment that will be reviewed by the Environmental Review Board prior to submitting Preliminary Plat submission.
4. The comments of the Environmental Assessment be put into the preliminary design.
5. The nearest house footprint at least 300 feet from Herndon Creek.
6. The construction of an east bound deceleration, right-turn lane and a west bound, left-turn lane, if allowed by the Department of Transportation.

Commissioner Vanderbeck seconded the motion.

Chairman Thompson stated this project may not be exactly what the Board might want, but along with the conditions as stated in the motion he believed this was as much as they could do. He acknowledged that the developer had done everything possible to come forward with a successful proposal.

Commissioner Barnes stated the Board had a responsibility to the County, and the Board should not approve this development.

Chairman Thompson said the Board had an obligation to abide by its rules and regulations, and if this project satisfied those rules and regulations then they had no right to deny it.

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

BREAK

The Chairman called for a short break.

The Chairman reconvened the meeting following the break.

Preliminary Approval of "Arcadia": Consideration of a request by ENT Land Survey, Inc. on behalf of Bruce Curtis for subdivision preliminary approval of "Arcadia", consisting of 13 lots on 57 acres, located off SR #1536, Lamont Norwood Road, Baldwin Township

Mr. Megginson stated that this proposal was for 13 lots on 57 acres; that the developer had received the various agency approvals required for the preliminary approval from this Board; that a stub-out was required, and that it was being provided between Lots 3 and 4; that during the Planning Board meeting, Tandy Jones voiced concern about having a stub-out at that location and recommended it be moved further into the property; that the developer had analyzed placing the stub-out between Lots 5 and 6 and moving the road, but for various reasons none of those were satisfactory; and that the Planning Board had then recommended not having a stub-out on this property.

Mr. Megginson stated that this property had a potential access through a private subdivision already developed, which had a County-required, 60-foot strip reserved which could be used for access. He said there were other means of access, so although it was now landlocked, that may not be the case in the future.

Mr. Megginson stated that the staff recommendation was to provide the access through the stub-out, but the Planning Board was recommending not providing the stub-out to the potential landowners because they had potential access elsewhere.

Commissioner Lucier asked for comments regarding streams on this property.

Raj Butalia provided a brief review of the streams on this property, using the map for reference, and the methods used to determine if a stream truly existed on the property.

Steve Yuhasz, a land surveyor representing the applicant, stated that this was the first time he had seen the map, and the only area he would question as far as it being a real stream was the area on the eastern edge of Lot 3. He said that was an area identified as appropriate for septic systems, and the Chatham County Health Department had looked at the site and approved it. Mr. Yuhasz said it was unlikely approval would have been given if a stream was present. He added he was unsure what he was supposed to do with the information Mr. Butalia had provided.

Commissioner Lucier stated it was not fair to ask the applicant to respond to that since he had not received the information ahead of time, adding that the Environmental Review Board was charged with bringing matters of concern before the Board. Commissioner Lucier suggested postponing a decision tonight to allow the applicant time to study the information and determine if that information might guide them to make a change to their application.

Mr. Yuhasz responded that this project had already been delayed a number of times, since July of last year. He said he did not see anything in the report that adversely affected any of the lots' septic systems as they had it laid out, and did not know of anything that would change based on the new information. Mr. Yuhasz asked if the Board had a specific suggestion of something that should be done that would be cause for a month's delay.

Commissioner Lucier stated they had 45 days to make a decision, noting part of the process was that the development be made as good as it could be to protect the environment, and that he was asking the applicant to take a look at the information and see if it affected the development in any way and let the Board know at the next meeting.

Commissioner Vanderbeck said the LIDAR stream location approach was, at this point, considered to be an indicator and not evidence that definitively a stream was there. He said there was time to consider the information in an effort to make the development as good as possible.

Karl Ernst, Planning Board member, stated that the material submitted by Mr. Butalia had not been submitted to the Planning Board, and that the Planning Board had already reviewed the project and submitted its recommendation.

Commissioner Vanderbeck said the 45-day time period was to allow the Board to make the best possible decision, and that they would elect to use that time if they so chose.

Allison Weakley stated that she had attended the Planning Board meeting and streams had been one of the topics. She said at that meeting she had asked Mr. Butalia to produce a map using the LIDAR technique, which he did, and she had then presented it to the Planning Board just for its information.

Mr. Butalia stated that anecdotally, they had experienced moderate success using the LIDAR technique and felt fairly certain that the streams they were showing were actually there.

Commissioner Lucier moved to defer this application to the July 16, 2007 Board of Commissioners' meeting to give the applicant an opportunity to look for more information on stream identification to see if it impacts the preliminary plat application. Commissioner Vanderbeck seconded the motion. The motion carried five (5) to zero (0).

Sketch Design Approval of "Legend Oaks, Phase III": Consideration of a request to postpone a request by Trenton Stewart on behalf of Brantley Powell and others for subdivision sketch design approval of "Legend Oaks, Phase III", consisting of 71 lots on 124 acres, located off SR #1721, Lystra Road and US Highway #15-501 North, Williams Township from the June 18th to the July 16th Board of Commissioners' meeting

Mr. Megginson stated that the Planning Board was recommending denial of the request, but that the Planning staff was recommending approval. He said the applicant had

subsequently asked that it be postponed to give the applicant a chance to respond to concerns brought forward by the Planning Board.

Commissioner Vanderbeck stated that, after some consideration and as much as he appreciated what the applicant wanted to do, during the process the applicant was provided an opportunity before the Planning Board even voted on it to table the request so that issues raised could be addressed, then return with changes; that that did not happen, and the Planning Board went ahead and voted 10-0 to deny the plan; and that it was not up to the Board of Commissioners to then grant this any extra time for review. He stated that it went through the process and missed the opportunity for delay; and that anyone who subsequently did not like the vote of the Planning Board could ask the Board to postpone its decision so changes could be made. Commissioner Vanderbeck said this was not appropriate and that that precedent should not be set; and that the matter should be voted on this evening.

Sally Kost, Vice Chair of the Planning Board member, stated that the Planning Board had voted 10-0 to deny this request, for two primary reasons: first was the traffic on Lystra Road, and second and most important, was that on the plat there was an area with no suitable soils for septic.

Jason Barron, attorney speaking for the applicant, stated that the plans as proposed satisfied the requirements of the ordinance. He stated that they would be happy to have the matter referred back to the Planning Board so that the issues of concern could be addressed. Mr. Barron said he did not have any traffic information tonight, but commented that they were willing to remove the lots with questionable soil from the plan if given that opportunity.

Commissioner Vanderbeck asked if his reasons for dealing with this issue today were reasonable to Mr. Barron, in his estimation. Mr. Barron said it fell within the prerogatives that this Board had. Commissioner Vanderbeck said because the applicant had the opportunity to address the soil issues at the Planning Board level and did not do so, then that was grounds for this Board to deny the project under Section 6.1 regarding soil suitability.

Mr. Barron said the soil issues were raised for the first time at the Planning Board meeting, and all they were asking for was an opportunity to address that. He said the opportunity to table the application to give the applicant a chance to address issues of concern was never put on the table by the Planning Board.

Commissioner Barnes commented that he was not inclined to send this back to the Planning Board, noting their schedules were full and this application had already gone through its processes.

Commissioner Barnes moved to deny the request.

Jim Hinkley, Planning Board member, stated that one thing not mentioned was that at the other end of the subdivision was a stream that flowed profusely, had gorges that were quite steep; and had steep terrain. He said that stream was not shown on the map at all, and in some places it was 20 to 30 feet wide.

Commissioner Vanderbeck seconded the motion for the reasons stated by the Planning Board and addressed in Section 6.1 of the Subdivision Ordinance as follows: 1) the secondary entrance puts additional traffic on Lystra Road; 2) there are two crossings of Cub Creek by the road in the three phases of the development; 3) there may be other streams on the property that warrant buffering; and 4) the soils are not suitable for the number and arrangement of lots proposed.

Chairman Thompson called the question. The motion carried five (5) to zero (0).

ZONING AND ORDINANCE AMENDMENTS

Request to Rezone Acreage from Heavy Industrial to Residential Agricultural:
Consideration of a request by Chatham County to rezone approximately 533 acres on SR #1972 (Pea Ridge Road) from Heavy Industrial (H-Ind) to Residential Agricultural (RA-40)

Mr. Megginson stated that a public hearing had been held on this issue some time ago; that it was a request to rezone approximately 533 acres on State Road #1972 from Heavy Industrial to Residential Agricultural; that the Economic Development Commission had considered this request and recommended the rezoning; and that the land had not been used for industrial use although there were some existing nonconforming uses in that area, and recommended that they not be allowed to continue.

Commissioner Cross moved, seconded by Commissioner Barnes, to approve the rezoning to rezone to RA-40.

Commissioner Vanderbeck stated that this Board had agreed on a moratorium to update the Land Use Plan; that they had a new Economic Development Director; that there was a consultant that was working to help the entire County to develop a plan for economic development; and that he would like to allow those things to happen before this or any other similar areas were rezoned. He stated that he was inclined to let this go through the moratorium process.

Commissioner Barnes stated that he did not believe this area would affect the moratorium, noting it consisted of families on small lots and those who wanted to use it for a church and parsonage. He said by approving the rezoning they would be allowing that to continue.

Commissioner Vanderbeck said because of the broad acreage, he was not comfortable with doing that. He said he would be happy to consider small rezonings on a case-by-case basis.

Commissioner Lucier said there had never been a rezoning application since the land was zoned Heavy Industrial; that prior to that rezoning, it was zoned R-40; that the residents were there before the zoning was there; that there were 25 property owners and they were the ones who wanted the land rezoned; that there was one business operating on the road now; that another was being built; that there was nothing to be gained by delaying the rezoning; and that the rezoning would allow them to reserve 1500 feet on either side of the US #1 roadway, which would require a conditional use process to place a business there.

Randy Voller, representing the Economic Development Commission, stated that Triangle Brick had approached them to ask that they be given some consideration due to their expansion plans, and that he wanted to bring that to the Board's attention.

Commissioner Lucier said he was not aware of any property owned by that company in that area, noting Triangle Brick's property was much further down US #1.

Commissioner Lucier stated he would prefer not to vote on this issue this evening.

Chairman Thompson stated he was inclined to vote for the rezoning, but believed it might be wise to gather more information.

Commissioner Cross stated that this had been going on for four or five months; that it had gone to the Planning Board and the Economic Development Corporation; that the only person who had spoken against this rezoning at the hearing was a person who owned a business on that roadway and was concerned about a lot next to him.

The Chairman called the question. The motion failed two (2) to three (3) with Commissioners Thompson, Lucier, Vanderbeck opposing.

Commissioner Lucier moved, seconded by Commissioner Vanderbeck, to reconsider this issue at their July 16, 2007 Board of Commissioners' meeting. The motion carried five (5) to zero (0).

Request for Revision to Conditional Use Permit for Windsong Retreat O&I for Bed and Breakfast: Consideration of 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 Rd (SR #1941), New Hope Township

Mr. Megginson stated that this item was a request for a revision to an existing conditional use permit to include a professional recording studio.

Commissioner Vanderbeck moved, seconded by Commissioner Lucier, to approve the request and adopt **Resolution #2007-28 Approving an Application for a Revision to a Conditional Use Permit Requested by Absolute Land Surveying on Behalf of Windsong Muse LLC**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Request for Conditional Use Permit for Privately Owned Camp and Grounds: Consideration of 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

Mr. Megginson stated that this item was a request for a conditional use permit for a privately owned camp and grounds for campers, travel trailers, recreational vehicles, and motor homes for William Jeffrey House. He said the Planning Board recommended approval with 21 conditions as noted.

Commissioner Cross moved, seconded by Commissioner Barnes, to approve the request and adopt **Resolution #2007-29 Approving an Application for a Conditional Use Permit Requested by William Jeffrey House**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Request to Rezone Adjacent Properties from RA-40 Residential/Agricultural to B-1 Business: Consideration of a request by Hardip S. 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

Mr. Megginson stated this was a request to rezone two adjacent properties consisting of 9.1 acres and 4.46 acres from RA-40 to B-1 (business) located off Old US Highway #1 in the Cape Fear Township. He said the Planning Board and Planning staff had different recommendations on this request, as noted in the materials.

Commissioner Cross moved, seconded by Commissioner Barnes, to approve the request and adopt an **Ordinance Amending the Zoning Ordinance of Chatham County**.

Commissioner Vanderbeck stated that he was inclined to agree with the Planning staff because the rezoning offered better protections through conditional use.

Commissioner Cross stated he liked conditional use also, noting he did not believe the rezoning would disturb anyone that was already there.

Lunday Riggsbee, Attorney representing Mr. Dhillon, stated that there was nothing that would limit any kind of heavy industrial development across the road; that on three sides of this property it was heavy industrial zoning already; that for economic development this

request should be approved; and that this request would not drastically affect anyone living near the area and may in fact provide more of a buffer by creating a transition area.

Commissioner Lucier stated he was basing his support on the fact that it was surrounded on three sides of Heavy Industrial zoning.

The Chairman called the question. The motion carried five (5) to zero (0). The ordinance is attached hereto and by reference made a part hereof.

MANAGER' S REPORTS

The County Manager had no reports at this time.

Chairman Thompson stated that recently there had been some criticism of the Board for trying to "hide" some of its deliberations from the public. He stated they all believed in open government and they were always more than happy to divulge any information to the public that was legal to divulge. Chairman Thompson stated that he wanted to assure the public, through the Board's actions, that the Board had nothing to hide and would make all records of its deliberations public. He said that the County Attorney had some recommendations to put forth to the Board.

Kevin Whiteheart, County Attorney, stated that the Board's goal was to make sure that everything they discussed was a part of the public record; that the Board was committed to do so in a very responsible manner; that the Board had asked him and the staff to develop a policy for turning over or letting go of Closed Session records as prudently and as early as possible; that they were now in the process of developing an internal set of policies to do just that; that the County Clerk had to be given time to prepare the minutes of meetings for the public record; and that once the policy was in place, information should flow smoother and faster.

Commissioner Lucier said he was personally surprised that the criticism had been made. He said it was important for the public to keep in mind that releasing records of Closed Sessions meant they had to be typed up; that notes were not accurate accounts of the meeting; that those minutes had to be approved by the Board; that it would be damaging to release incorrect minutes of a Closed Session; that there was some turnaround time involved in that; that this was the first time the Board had been able to meet and talk about it; and that to have done so before would have been a violation of the Open Meetings law.

Commissioner Barnes said he believed the article in the News and Observer was promoted by the passage of the moratorium.

Chairman Thompson said it was always the Board's intention to release such information once it had gone through the process just outlined by Commissioner Lucier.

Commissioner Vanderbeck stated that the Board needed to work diligently to make sure that information was posted on the County's website, and that every effort be made to make as much information available in a timely fashion. He stated that he believed the Board was in agreement that they wanted to expedite the process as far as making Closed Session minutes available after legal review. Commissioner Vanderbeck said they had nothing to hide and wanted to share information.

COMMISSIONERS' REPORTS

Appointment to CCCC Board of Trustees: Consideration of a request to appoint Dr. Tracy Hanner to the Central Carolina Community College (CCCC) Board of Trustees

Chairman Thompson stated that he had initiated this request, noting he had known Dr. Hanner his whole life; that Dr. Hanner was a veterinarian; that he was on the Board of NC A & T University; that Dr. Hanner was a genuine person; that he was a Deacon in his church; and that he would serve them well on the Board of Trustees. He said that he had

made known to the Board his intention of placing Dr. Hanner's name in nomination, and had received comments back from four Commissioners, all of whom had been in favor of the appointment. Chairman Thompson said he had removed this from the Consent Agenda to give the Board an opportunity to discuss it, if necessary.

Commissioner Barnes asked to postpone the appointment until the July 16, 2007 Board of Commissioners' meeting in order to submit other candidates' resumes for consideration.

Commissioner Lucier stated he had known Dr. Hanner for a number of years, and agreed with Chairman Thompson's assessment of his credentials and character.

Commissioner Lucier moved, seconded by Commissioner Vanderbeck, to appoint Dr. Tracy Hanner to the Central Carolina Community College (CCCC) Board of Trustees.

Commissioner Vanderbeck stated that Dr. Hanner had already been placed on other boards, and believed he was an honorable and capable man.

Commissioner Cross stated he believed Commissioner Barnes had someone in mind he would like to submit, and did not see the harm in waiting one meeting to give him that opportunity.

Chairman Thompson stated he personally did not believe they could find a better candidate.

Commissioner Lucier stated part of the issue was that there were sixteen members of the Board of Trustees, and Chatham County got to appoint only two of those; that he believed they needed to identify a process to get greater representation on the Board of Trustees; that they were enlarging the facility in Pittsboro and building an entirely new facility in Siler City, demonstrating a great commitment to the County and its economic development; that he believed the County deserved several more appointments; and if Commissioner Barnes had a good nominee then they needed to pressure whoever was appropriate to get additional representation on that board.

Commissioner Vanderbeck stated that Commissioner Barnes had taken a recent opportunity to ask Representative Joe Hackney to work on the County's behalf to get more representation on the Central Carolina Community College Board of Trustees, and he had agreed to do so. He said he was amenable to lobbying for that and encouraged the other Commissioners to do so as well.

Chairman Thompson stated that the number of seats on the Board of Trustees was determined by State statute, as well as the representation on that board. He asked the County Attorney to review the law and report to the Board as to the requirements and how the Board could lobby for change.

Chairman Thompson called the question. The motion carried three (3) to two (2) with Commissioners Barnes and Cross opposing.

ADJOURNMENT

Commissioner Cross moved, seconded by Commissioner Barnes, to adjourn the regular meeting. The motion carried five (5) to zero (0), and the meeting was adjourned at 9:41 PM.

Carl Thompson, Chairman

ATTEST:

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