

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
SEPTEMBER 17, 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 September 17, 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; 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 6:14 PM.

AGENDA AND CONSENT AGENDA

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

The Chairman asked that the following items be removed from the Consent Agenda and placed on the Regular Agenda for discussion:

1. Consideration of 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

2. Consideration of 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 42 east of Corinth area 3 (Attachment)
 - 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

3. Chatham County Volunteer Recognition Awards: Consideration of a request to adopt Resolution Honoring Chatham County’s Outstanding Volunteers of 2007

The Chairman also asked that the TJCOG Contracts on the afternoon Work Session be considered during the evening meeting under the Manager’s Reports.

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

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

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

2. **Funds Acceptance for Health Department:** Consideration of a request by the Chatham County Health Department to accept funds in the amount of \$300.00 from the NC Circle of Parents Network

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

3. **Debt Write-Off for Health Department:** Consideration of a request to approve a debt write-off for the Health Department, attached hereto and by reference made a part hereof.

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

4. **Contract Award for Housing Needs Assessment:** Consideration of a request to award contract for Housing Needs Assessment to Wooten Company in the amount of \$25,000.00

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

5. **Child Fatality Prevention Team Appointment:** Consideration of a request to reappoint Deb Garner to the Child Fatality Prevention Team

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

6. **Mid-Carolina Workforce Development Board Appointment:** Consideration of a request to appoint Dianne Reid, Economic Development Director, to the Mid-Carolina Workforce Development Board

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

7. **Subdivision Final Plat Approval of Harrison Pond, LLC:** Consideration of a request by Harrison Pond, LLC for subdivision final plat approval of Harrison Pond, LLC, consisting of 42 lots on 74 acres, located off SR #1532, River Forest Road, Baldwin Township, Parcel #1907

As per the Planning Board and Planning Department recommendation, subdivision final plat approval of "Harrison Pond" was granted with the following conditions:

1. 1 20-ft. wide undisturbed buffer (10 feet on both sides) shall be provided along the drainage area shown within Lot #42.
2. The words "Open Space" shall be removed from the "Utility Easement and dedication of public right-of-way for possible future road extension" to the property of Mrs. H. H. Mann.
3. The walking trail connection to the Chatham County School property shall be shown on the final plat map (Mylar copy) prior to recordation.

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

8. **Subdivision Final Plat Approval of "The Retreat on Haw River, LLC":** Consideration of a request by The Retreat on Haw River, LLC for subdivision final plat approval of The Retreat on Haw River, Phase 1A (f/k/a Williams Pond and Sanctuary at Haw River), consisting of 67 lots on 240 acres, located off SR #1711, Bynum Ridge Road, Baldwin Township

As per the Planning Board and Planning Department recommendation, final plat approval of "The Retreat on Haw River, Phase 1A" was granted with changes to final plat as specified in attachment #4 shown on the recordable Mylar copy.

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

- ~~9. **Communication Tower Location:** Consideration of 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~~

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

- ~~10. **Communication Tower Location:** Consideration of 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 42 east of Corinth area 3 (Attachment)~~

~~—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~~

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

- ~~11. **Chatham County Volunteer Recognition Awards:** Consideration of a request to adopt **Resolution Honoring Chatham County's Outstanding Volunteers of 2007** as follows:~~

~~**Avis Autry, Cathy Burnham, Walter Garcia, Joe Glasson, Frances Haman, Reece Jones, Patricia Livers, Gilda McDaniel, Thomas Milliken, Karen Pool, Virginia Thompson, and Allison Weakley**~~

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

END OF CONSENT AGENDA

PUBLIC INPUT SESSION

Guy Loeffler, 466 Vineyard Ridge, Siler City, NC, stated that the North Carolina Legislature allows Chatham County to increase the occupancy tax and establish a tourism development authority and that he was inquiring as to the status of the request.

Rita Spina, 12 Matchwood, Fearington Post, Pittsboro, NC, stated that because of some other work she was doing for CCEC, she found herself in front and the side of the Farrell Storage Facility on Highway #64 east; that after seeing it, she followed up on the County website to see the recommendations made at the time of the original request and the approval and specific recommendations made to the Farrell Storage Facility regarding their landscaping/screening agreement; that the recommendations read, "Landscaping/Screening – All landscaping/screening shall be in place prior to issuances of occupancy. Existing vegetation may be used to fully or partially fulfill the landscaping and buffering requirements of the County. The extent to which the same can be used, shall be determined by the Planning Department prior to issue of the Zoning Determination Certificate"; that she also found for Finding #3 – Visual impact will be improved by adding professional landscaping to an area currently allowed to erode and grow up in weeds. Borders along Bob Horton Road and the Jean Fish property north, will be upgraded to plantings that will screen views along

Bob Horton Road. The 20' land buffer will be landscaped or left natural if adequate screening is realized.”; that she could find no further information that the Planning Department did indeed pursue this issue prior to the Zoning Determination Certificate, including no signature to the effect that it had been involved in following this directive; that what she did find, however, was an unsightly totally unimproved area around the south and western perimeter of this facility; that the only evidence of any landscaping were a number of small bushes on the south side; that the entire perimeter is basically unscreened and reveals a facility that appears to be significantly out of compliance with the aforementioned requirements; that this property was known formerly as “Handy Andy” and is no better screened now than it was then; that it is certainly a sore sight as one enters the County from the east; that this appears to be the sort of follow-up the County doesn’t do; that she thinks it needs to be done; that she asks the consequences for being out of compliance and wonders if there has been follow-up and enforcement of requirement on this property. She stated that if there had been, she would like for CCEC to be so informed.

Chairman Thompson stated that it is important in any county that, in order to do what needs to be done with certain citizens in various capacities, volunteers are important.

Commissioner Lucier asked the County Manager to follow-up on this matter.

VOLUNTEER RECOGNITION AWARDS

Chatham County Volunteer Recognition Awards: Consideration of a request to adopt **Resolution Honoring Chatham County’s Outstanding Volunteers of 2007** as follows:

Avis Autry, Cathy Burnham, Walter Garcia, Joe Glasson, Frances Haman, Reece Jones, Patricia Livers, Gilda McDaniel, Thomas Milliken, Karen Pool, Virginia Thompson, and Allison Weakley

Chairman Thompson read the resolution and praised the efforts of those volunteering in the County and stated that they would be formally honored by the United Way on September 30th.

Commissioner Vanderbeck moved, seconded by Commissioner Lucier, to adopt **Resolution #2007-____ Honoring Chatham County’s Outstanding Volunteers of 2007**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

BOARD OF COMMISSIONERS’ MATTERS

Chatham County Register of Deeds Appointment: Consideration of a recommendation by the Chatham County Democratic Party Executive Committee to appoint Treva Seagroves to the position of Chatham County Register of Deeds following the retirement of Reba Thomas

Commissioner Lucier moved, Commissioner Barnes seconded, to appoint Treva Seagroves to the position of Chatham County Register of Deeds. The motion carried five (5) to zero (0).

Chairman Thompson commended serving Register of Deeds, Reba Thomas, for her outstanding service to the County. He expressed appreciation to Ms. Seagroves for nearly eighteen years of service and stated that they looked forward to her serving as the new Chatham County Register of Deeds.

PLANNING AND ZONING

Communication Tower Location: Consideration of 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

Chairman Thompson asked the citizen in attendance who wished to make public comments to come forward.

Temple Richmond, speaking for **Nona Mensah**, stated that Ms. Mensah lives on 11.5 acres of land at 267 Holly Glenn Road, Pittsboro, NC; that her property line is about one mile away from the proposed site for the communication tower; that she is concerned that this location is too close to her and her neighbors; that health reasons and property value are her concerns; that she is aware that all the facts are not in on the health issues that could impact everyone because the communication industry is out running the research on the impact on everyone's health; that this should not create an atmosphere of haste where Chatham County officials are not given enough time to investigate all the possible negative health issues that could impact the citizens of Chatham County; that hopefully the Board of Commissioners and Planning Board have already researched the subject of negative effects of communication towers on the health of Chatham County citizens and are already looking at sites that are less populated; that if so, she thanks them for their dedication and consideration; that if not, perhaps time has been a factor; that she asks them to please consider their health, their property values, and their school children; that Woods Charter School will be relocating off Old US #87 in Briar Chapel; that she asks how close the proposed communication tower is to the school site; that she asked the Board to please find sites that are farther away from families and schools; that although all the research is not in yet, the possibilities for health risks are there; that she asks why we not lean on the side of caution; that these communication companies should not have the final word on where they set up their towers; that they most likely have options that would allow them to locate in more remote areas in Chatham County but it may be more costly for them; that most companies will choose the most cost effective way to accomplish their goals; that even when that way may have negative health issues, as long as it is technically legal; that discussions on the possible negative health issues for the citizens of Chatham County should be part of the negotiation process; and that she asks the Board to remember that the cell tower folks do not live there...they do.

Commissioner Vanderbeck thanked Ms. Richmond for reading Ms. Mensah's letter. He stated that he copied the Board of Health and the Planning Director on Ms. Mensah's e-mail and received feedback from both; that he had received information through the FCC stating that no state or local government or instrumentality thereof may regulate the placement construction and modification of personal wireless service facilities on the basis of environmental effects, radio frequency emissions to the extent that such facilities comply with the commission's regulations concerning such emissions; that one of the things that the Health Director pointed out was that it was the consensus of the scientific community, both in the US and internationally, that the power from the mobile phone base stations is far too low to produce health hazards as long as people are kept away from direct to antennas; that in the letter, it was mentioned that the Woods Charter School is going to be moving to Briar Chapel which is many miles away from Old US #87; that it is not close to the school; and that there had been a public hearing on this and no one addressed these issues.

Commissioner Lucier stated that there had been a lot of debate over the last fifteen years regarding the health affects of electric and magnetic fields radar frequency; that he was responsible for overseeing a congressionally mandated study to examine the health effects and try to resolve some of the controversy surrounding issues of health effects; that this was a panel of independent scientists who both conducted research or reviewed existing research; that the conclusion was that it was probably not a good idea to put a school directly under one, but other than that, there would probably be little health effects; that there may be some environmental issues that could be ugly, but in terms of human health effects, the vast majority of scientists feel that it is not a problem unless someone is located directly next to one.

Ms. Richmond stated that, in anticipation of Ms. Mensah's thoughts, she would say that that would be good as long as the standards of science don't change; that it is a given that science does change; and that there may be some component to this that is unknown, even with the best known science.

Commissioner Lucier stated that it may not be prudent to place a tower right on top of a school, but he thinks that if the towers are reasonably removed, as these towers are, that there are no health risks involved.

Allison Weakley stated that she wanted to make certain that the concerns which she raised at the public hearing were given some attention, including the fact that the proposed cell tower location is within what the Audubon Society considers a nationally significant bird area for migratory birds and water fowl; that it is also very scenic portion of Jordan Lake; that the tower is proposed for an area that is one of the more prominent topographic areas surrounding the lake; that she wonders if the County had consulted with fish and wildlife services or heritage program given that the cell tower is proposed for a site that is not a significant natural heritage area; that it is surrounded by significant natural heritage areas; that this site was near North Chatham Elementary School; that she wondered what other alternatives were looked at besides the water tower and if in fact the tower was not approved, what kind of gap that would leave in coverage.

Commissioner Vanderbeck stated that it was suggested in the study to stay away from 25' horizontal from the antenna.

As per the Planning Board and Planning Department recommendation, Commissioner Barnes moved, seconded by Commissioner Cross, to approve the Chase Real Estate Services search ring request for one (1) additional tower location was approved as a 199 foot tower and within the area requested. The motion carried five (5) to zero (0).

Communication Tower Location: Consideration of 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 42 east of Corinth area 3 (Attachment)
- 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

As per the Planning Board and Planning Department recommendation, Commissioner Barnes moved, seconded by Commissioner Cross, to approve the Crown Castle search rings requests for all three (3) towers numbered 7904-3579v2, 7920-3577, and 7897-3555 was approved as requested. The motion carried five (5) to zero (0).

PLANNING AND ZONING

Sketch Design Approval:

Subdivision Sketch Design Approval of "Harvest": Consideration of a request by Harvest Community, LLC on behalf of Paul & Barbara McCoy, Woods of McCoy, Inc. for subdivision sketch design approval of "Harvest", consisting of 25 subdivision lots and four (4) exempt over ten (10) acre tracts on 213 acres, located off SR #1972, Pea Ridge Road, Cape Fear Township

As per the Planning Board and Planning Board recommendation, Commissioner Cross moved, seconded by Commissioner Barnes, to grant sketch design approval of "Harvest" with the following conditions and to delete the requirement for additional signage on game land property lines (Condition #6).

Chris Walker, Chairman of Planning Board, stated that his recollection of the Planning Board's discussion was that because it is going to be property that is next to game land properties, that with people coming into the County and not used to being next to it, that they be warned both by the signs and the recording on the plat.

Commissioner Cross stated that they were not pretty to look at but were illegal to remove; that every hunter is required to have a game land map book and required to have permission, if he is not on game lands, by the other parcel holder.

After considerable discussion, Commissioner Lucier asked that an amendment be added to still include Condition #6 with a note to the effect that the adjacent property is used for hunting and other related uses, etc. so that the purchaser is aware of it when they buy the property.

The motion was amended as requested. The conditions are as follows:

1. Prior to preliminary plat review, a determination shall be made based on NCDWQ guidelines as to the status of the stream shown located at the Pea Ridge/Pond entrance. If said stream is found to exist, the roadway shall be realigned to meet the requirements of Section 304 C.2.
2. The preliminary plat shall label the roadways 'proposed public' or 'private' as decided.
3. Public or private access (depending on road status) to the adjacent property of Roberson shall be shown on the preliminary and final plat so as not to create a reserve strip between the two properties.
4. Water hazard setbacks/vegetative stream buffer areas shall be 100 feet per side for all perennial and intermittent streams per the developer's commitment as stated in the e-mail from Anita Bahe, dated August 22, 2007 and shall be shown on the preliminary and final plats.
5. The preliminary and final plats shall include a vicinity map.
6. A note shall be placed on preliminary and final plats regarding the adjacent property so that anyone purchasing property will be advised that the adjacent property is used for hunting and other related uses.
7. All changes specified above shall be shown on the preliminary and final plats.

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

Subdivision Sketch Design Approval of One Lot: Consideration of a request by Larry E. Henson on behalf of Edward P. Lineberger for subdivision sketch design approval of one lot (4th lot on an easement) consisting of 1.692 acres, located off Highway #751, New Hope Township

As per the Planning Board and Planning Department recommendation, Commissioner Barnes moved, seconded by Commissioner Cross, to grant sketch design approval of "Division for Edward P. Lineberger" with the following conditions:

1. The travelway within the existing 60 foot easement shall be improved to a 16 foot wide travelway with four (4) inches of crush and run stone from Highway #751 to the beginning of Lot 2B.
2. The final plat shall be reviewed and approved by staff as a minor subdivision of land after the roadway improvements have been completed and certified by a licensed surveyor or engineer, and the two tracts have received their Environmental Health permits.

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

Preliminary Plat Approval:

Subdivision Preliminary Plat Approval of Briar Chapel, Phase 2, Briar Chapel Parkway, and Taylor Road Right-of-Way Dedication: Consideration of a request by Joe Grady, Jr. PLS, for subdivision preliminary plat approval of Briar Chapel, Phase 2, Briar Chapel Parkway & Taylor Road Right-of-Way Dedication, consisting of 15 acres, located off SR #1634, Hubert Herndon Road and SR #1529, Taylor Road, Baldwin Township

As per the Planning Board and Planning Department recommendation, Commissioner Lucier moved, seconded by Commissioner Vanderbeck, to approve the request with the condition that any construction related to the requested revisions to the stream crossing permits not impact the affected area until required permits have been approved. The motion carried five (5) to zero (0).

Final Plat Approval:

Subdivision Final Plat Approval of Briar Chapel, Phase 2, Briar Chapel Parkway, and Catullo Road Right-Of-Way Dedication: Consideration of a request by Joe Grady, Jr. PLS, for subdivision final plat approval of Briar Chapel Phase 2, Briar Chapel Parkway and Catullo Road right-of-way dedication consisting of 15 acres, located off SR #1634, Hubert Herndon Road and SR #1529, Taylor Road, Baldwin Township and US Highway #15-501

As per the Planning Board and Planning Department recommendation, Commissioner Lucier, seconded by Commissioner Cross, to grant final plat approval of Briar Chapel Phase 2, Recombination, and Easement Dedication & Right-of-Way Dedication Plat as submitted. The motion carried five (5) to zero (0).

Preliminary and Final Approval:

Subdivision Preliminary and Final Plat Approval of "The Parks at Meadowview, Phase 2A": Consideration of a request by The Parks at Meadowview, LLC for subdivision preliminary and final plat approval of "The Parks at Meadowview, Phase 2A", consisting of 61 lots on 34 acres, located off SR #1520, Old Graham Road, Center Township

As per the Planning Board and Planning Department recommendation, Commissioner Cross moved, seconded by Commissioner Barnes, to grant approval of the road names "Parkway Drive" and "Misty Glen Lane" and grant preliminary and final approval of "The Parks at Meadowview, Phase 2A" as submitted.

Commissioner Vanderbeck asked that an amendment to send a copy of any required monitoring reports to the Health Department and the Environmental Review Board for follow-up be included in the motion.

The motion was amended as requested. The motion carried five (5) to zero (0).

Miscellaneous Requests or Required Actions:

Development Schedule Extension for "The Glens": Consideration of a request for development schedule extension for "The Glens" (f/k/a McBane Subdivision)

Commissioner Cross stated that the road was pretty torn up with construction; that if the Board is going to consider an extension, based on citizen comments, he would at least get the road work completed so the road does not remain torn up for several years.

Commissioner Lucier stated that he was inclined to go with the Planning Board recommendation by not granting an extension; that this is an area where approximately 2,000 houses were approved by a previous Board of Commissioners; that this was all done without any attention to the cumulative environmental impact that such massive development along the road might cause; and that he is not inclined to grant an extension.

Commissioner Vanderbeck stated that he was also of Commissioner Lucier's mindset and feels the same way.

Commissioner Barnes stated that he understands why an extension is desired; and that he has received the same e-mails about the road.

Nick Robinson, Attorney, explained that there are two reasons that motivate their request: 1) The market; 2) There hasn't been much rain; there is a lot going on; that if some of the pressure is removed, that is one fewer set of trucks running stuff into roads and utility lines into the neighborhood; that in response to what Commissioner Cross suggested, if the Board feels that it is beneficial to continue that construction in that area and at that pace, they will live with it; that as an alternative, there is an idea that the Board wants to go ahead and get the road construction completed, that there are two entrances to the McBane Glen's Subdivision; they are currently working on the second entrance way which would have been

in Phase 2 which would not have been required to be completed until August, 2009; that in conferring with his client, they said that they would be more than happy to go ahead and get the road widening improvements done as soon as possible; that this would be immediately on the road widening improvements on the first driveway and by the Spring, 2008 on the other entrance; that if the Board would agree to do that as scheduled, they would hope to have the extension of time for putting the other infrastructure in such as the sewer and water lines into the neighborhood.

Commissioner Barnes stated that he could live with that; that if the issue is going to be postponed to slow it down, he can understand it, but he feels that the road needs to be gotten out of the way.

Commissioner Lucier stated that by granting an extension, it doesn't slow it down; that it is still the same number of houses; that this was approved at preliminary by default; that it was never acted upon; that time ran out; that he can't vote for an extension which doesn't make sense; that when the developer was asked to consider making some environmental concessions at preliminary, he made a couple but not all that the Board wanted; and that he doesn't feel comfortable voting for the extension.

Commissioner Cross moved, seconded by Commissioner Barnes, to approve extension as long as road turn lanes are completed by Spring, 2008 the main objective not to have the road torn up any longer. The motion failed two (2) to three (3) with Commissioners Thompson, Lucier, and Vanderbeck opposing.

Commissioner Lucier moved, seconded by Commissioner Vanderbeck, to deny the request for extension of "The Glens". The motion carried three (3) to two (2) with Commissioners Cross and Barnes opposing.

Conditional Use Permit Deadline Extension for Baycorp Development, Inc.:
Consideration of a request for extension of Conditional Use Permit Deadline for Baycorp Development, Inc.

Commissioner Vanderbeck stated that the point was previously made that one wouldn't want the situation of the zoning without the permit going along with it; that that would be his only reason to grant the extension; that he is not trying to set a precedence with extensions; and that this situation scares him enough that he thinks he would grant the extension.

Commissioner Cross moved, seconded by Commissioner Lucier, to table this matter until the October 01, 2007 Board of Commissioners' meeting for possible action. The motion carried five (5) to zero (0).

BREAK

The Chairman called for a short break.

Public Hearings:

Public Hearing for Text Amendment to Zoning Ordinance: Public hearing to receive public comments on a request by Chatham County for a text amendment to the Chatham County Zoning Ordinance, Section 10, Item 10.1, 10.2, 10.3 Residential Agricultural List of Permitted Uses specifically for public and private schools to reduce the double setback requirement to allow uniformity with the zoning district's minimum setback requirements

Peter Rubinas, 232 Cedar Grove Road, Pittsboro, NC, stated that Chatham Citizens for Effective Communities (CCEC) urges the Board of Commissioners to consider why the original language was included in the ordinance in the first place; that they believe that the safety of the County's children was in mind when the writers of the ordinance decided to require a setback for school structures as it is for general structures in each district; that the request came from the Planning Department to the Board of Education; that the school should ask for a variance rather than a change in the ordinance for the specific situation requested; and that they urge denial of the request and allow the Board of Education to ask

for a variance from the zoning ordinance so that the mobile units at North Chatham Middle School can be occupied without reducing the safe guards currently included in the ordinance.

Public Hearing to Rezone Acreage: Public hearing to receive public comments on a request by Chatham Development Corporation to rezone approximately 15.16 acres located on the south side of US #64 east, 0.92 miles west of NC #751, New Hope Township, from RA-40 Residential Agricultural to Conditional Use B-1 Business

Paul Welton, 196 East Deer Run, Apex, NC, stated that he speaks on behalf of residents to encourage the Board of Commissioners not to approve the request; that it is unfair for people to invest large sums of money in their homes and have undesirable, commercial facilities placed nearby; that it is about 3/10 of a mile from other similar businesses; that the number of trips shown per day could involve one or two u-turns and half will involve a towed vehicle; that there is already a number of businesses using the traffic corridors; and that a number of wells in the area have already run dry.

Burton Carnegie, 2 American Court, Apex, NC, stated that he is a resident of Heritage Pointe located directly across from the proposed development; that homes in the subdivision are \$800,000 and up; and that rezoning from residential to business would not be positive. He asked to keep the residential communities intact and unspoiled by business development.

Walt Lewis, 109 Tropez Lane, Cary, NC, stated that he is the owner of the Extra Garage storage facility on Bob Horton Road; that it is across the road from the proposed business site; that it is identical to the proposed business; that it is a good business but the wrong location; that this site does not have controlled, safe access; and that it will require a double u-turn on US Highway #64.

Mr. Lewis answered questions from the Board.

Kevin O'Neal, 584 Old Thompson Creek, Pittsboro, NC, applicant, stated that he represents the developer; that they saw that there was a need for covered storage in the area; that there is over 400 feet of heavily wooded land between the site and the Deer Run subdivision; that there is a 50 foot buffer along US Highway #64; that the impervious level is at 23%; and that they are offering a fair commercial development for Chatham County.

The Chairman administered the oath to those who wish to speak on items requiring testimony.

Public Hearing for Conditional Use B-1 Business Permit: Public hearing to receive public comments on a request by Chatham Development Corporation for a Conditional Use B-1 Business Permit for a boat and RV storage facility on approximately 15.16 acres located on the south side of US #64 east, 0.92 miles west of NC #751, New Hope Township

Paul Welton, 196 East Deer Run, Apex, NC, stated that this building is a 650' metal building with little architectural features; that the wells and the runoff directly into the Army land is a concern; and that this will add to the other metal features one sees coming into the County.

Rita Spina, 12 Matchwood, Pittsboro, NC, Vice-President of Chatham Citizens for Effective Communities (CCEC), stated that over the past years, there have been six requests for boat and RV storage facilities in the eastern area of Chatham County near Jordan Lake; that five were approved, (Crossroads Marina on Farrington Road right on the lake, Blair & Company Boat and RV Storage on Highway #64, Jordan Lake Boat and Storage off John Horton Road, American Self Storage at Highway #64 and Mt. Gilead Road, and George Farrell's site on North Highway #64 near Highway #751); that one request was withdrawn by the developer; that this is the sixth request for boat storage in the immediate area; that the site of this request would put this facility in the commercial/industrial area just west of Highway #751 and the County line and on the south side of Highway #64; that she drove these roads to look at where it would be sited, and view what was presently located in the area; that it appears that it would be the neighbor of John Deere Landscapes, ST Wooten and then Builders' First Source on the South and on the North close to Farrell's Storage Facility and a

construction building site already ongoing on Bob Horton Road and Highway #64; that a review of Chatham Development's submittal materials leave several questions: 1) Under Description of use...boat, recreational vehicles, trailers...what are "other vehicles" referred to in the proposal ...cars, busses, trucks? 2) Although there was a Traffic Report and a Soil and Erosion Report mentioned, only the Traffic Report was submitted and no written report to go along with the site maps shown; that the most significant issues for this site that are lacking at this time are those of water, waste water, stormwater control, streams, and buffers; that there is significant evidence of wetlands and healthy streams, not only on this property but extremely close to the storage facilities themselves, if not under these sites, but also extending into the neighboring properties surrounding the site; that buffering around these wetlands is difficult to measure but 25 ft. buffers are insignificant and insufficient for such a sensitive area; that there is no delineation on the #5 or #6 maps to suggest there might be other wetlands or streams where the storage building sites are located; that there is a stormwater basin shown on the maps, yet there is no description of this basin in the application; and that the issue of a water supply has been totally omitted. She asked the following questions: Will there be a restroom for the users? Are there plans to wash down the boats or other vehicles in the wash down bay? Where will this water go? How will this wastewater be treated? What about maintenance on the boats? Are there any plans to change oil on the property? What disposal methods are intended? These issues are not addressed. She stated that all of the aforementioned questions need to be answered before the Board can determine if this proposal meets both Findings 3 and 5; that also to be considered because of the tight squeeze within the property lines itself, is the feasibility to even consider "future development" here? She stated that CCEC recommends that this request be tabled until these issues can be fully addressed.

Burton Carnegie, 2 American Court, Apex, NC, stated that Chatham Development has long since finished Heritage Pointe; that there is already an eyesore storage facility; that they ask the Board of Commissioners not to approve this development and the negative impact on property values; and that he urges the denial based on the impact on the two major residential communities.

Kevin O'Neal, 584 Old Thompson Creek, Pittsboro, NC, applicant, stated that they met with the Appearance Committee for the screening of the proposal; that the fencing will be black vinyl; that it will have a gate and security cameras; and that there will be a well with a storage bay/cistern servicing the site.

Phyllis Watkins, 168 East Deer Run, Apex, NC, stated that she objects to the well that will be dug for the project; that there has already been one well that has run dry in Deer Run in the last month; that the water level there is very low; that he should be required to use County water if the project is approved; and that additional traffic will be added to an already dangerous situation.

Public Hearing to Rezone Acreage: Public hearing to receive public comments on a request by Nicolas P. Robinson, on behalf of General Shale Brick, Inc. to rezone approximately 192.5 total acres (3 tracts) located on Moncure Flatwood Road (SR #1924), Cape Fear Township, from RA-40 Residential Agricultural to Conditional Use Heavy Industrial (H-Ind.)

Nick Robinson, PO Box 607, Pittsboro, NC, stated that General Shale's request for a Conditional Use District is a request for an amendment to the Chatham County Zoning Ordinance and map (legislative process); that filed simultaneously with this application for a conditional use district is an application for a conditional use permit; that pursuant to Section 17 of the Chatham County Zoning Ordinance, the following additional information is necessary for an application for a conditional use district:

1. If the proposed amendment would require a change in the zoning map, a map at a scale of not less than 400 feet to the inch nor more than 20 feet to the inch showing the land which would be covered by the proposed amendment. See maps attached as EXHIBITS A and B to the Application.
2. A legal description of such land. See legal description attached as EXHIBIT C to the Application.

3. What is it on the zoning map that needs to be changed and why? *The Ordinance currently does not allow the uses simultaneously requested herewith within the properties that are presently zoned RA-40. Establishment of a Conditional Use District for said properties as requested will allow for the conditional uses requested simultaneously herewith. While RA-40 zone in this location is inconsistent with the provisions of the Land Use Plan, the requested Heavy Industrial Conditional Use District in this location is consistent with the Land Use Plan.*
4. The changed or changing conditions, if any, in the area or in the County generally, which make the proposed amendment reasonably necessary to the promotion of the public health, safety and general welfare. *This land, and much land nearby, is presently dedicated to industrial uses, including but not limited to the Dynea plant, the Moncure Plywood plant, the Progress Energy facility, Performance Fibers, McGill Environmental, Triangle Brick and others. This land is specifically described and designated under the Land Use Plan for industrial uses among other uses allowed in Economic Development Centers. This district is reasonably necessary to the promotion of the public, health, safety and general welfare because it concentrates an existing industrial use in its current location, creates and sustains jobs, generates tax revenue and does so in a geographical area where such industrial uses are encouraged.*
5. The manner in which the proposed amendment will carry out the intent and purpose of the adopted Land Development Plan or part thereof.

Mr. Robinson stated that this proposed mining expansion into contiguous lands is entirely consistent with the vision contained in the Chatham County Land Conservation and Development Plan (the "Land Use Plan"); that the first of the two fundamental policies of the Land Use Plan is to encourage balanced growth by making sure that growth consists of a mix of different kinds of development and by ensuring that development is guided to suitable locations. *Land Use Plan, p. 1*; that one of the "major recommendations" of the Land Use Plan is to "designate Economic Development Centers for new business and industry to allow effective planning and marketing for employment sites." *Land Use Plan, p. 3, para. 9*; that the chart of activities and allowed locations within the Land Use Plan specifically allows for manufacturing plants within Economic Development Centers. *Land Use Plan, p. 5*; that this Chatham County clay mine is integral to the operations of the nearby brick manufacturing plant; that this site is located within the Moncure-Haywood Economic Development Center reserved for industrial uses as set out on the draft map that was to be adopted with the Chatham County Land Conservation and Development Plan (the "Land Use Plan"); that the expansion of the mine into contiguous properties funnels the industrial use to the appropriate part of the County where it is evident that the use does not detract from surrounding uses.

Mr. Robinson stated that perhaps most importantly, in discussing Economic Development Centers such as the Moncure-Haywood Economic Development Center, the Land Use Plan lays out the following principles:

- Economic centers should be situated in planned locations. *Land Use Plan, p. 27.*
- Economic Centers should allow for "continued development within other areas currently zoned for commercial or industrial." *Land Use Plan, p. 27.*
- It also provides that "continuation of current activities will be supported in existing industrial and commercial areas." *Land Use Plan, p. 27.*

He stated that in designating Economic Development Centers, the Land Use Plan specifically identified this location: "The Moncure-Haywood area; that this area may take advantage of industrial potential in the area, together with extensive transportation water/sewer infrastructure." *Land Use Plan, p. 33*; that there can be no doubt that this proposal fulfills the specific language of the Land Use Plan and is consistent with and promotes the purposes and intent of the Land Use Plan.

The purpose for this expansion is to facilitate the expanded operation of the exact type of use contemplated by the Land Use Plan, which use is not consistent with current zoning (RA-40).

6. All other circumstances, factors and reasons which the applicant offers in support of the proposed amendment. *The amendment is necessary in order to allow for approval of the requested Conditional Use Permit. Applicant incorporates all of the reasoning contained in that Application.*
7. Information required on the application form received from the Planning Department. *See the Application form.*

In conclusion, Mr. Robinson stated that the applicant respectfully requests that the requested Conditional Use District be approved on the basis of the information provided herein and all information submitted or to be submitted as part of the legislative process.

Commissioner Cross stated that last year, General Shale started increasing their plant capacity by 30%; and that there will most likely be more bricks produced in Chatham County than in the Brick Capital (Lee County).

Liz Cullington, 390 Rolling Hills Road, Pittsboro, NC, stated that the proposed new mining area is in the WS-IV area and runoff is an issue; that she asks that the erosion control personnel review the plan and allow the Planning Board to receive a report before voting; that this industry involves chronic land disturbance; and that she urges the Board of Commissioners to include buffers of streams and drainages in the conditional use permit.

Public Hearing for Conditional Use Heavy Industrial Permit: Public hearing to request by Nicolas P. Robinson, on behalf of General Shale Brick, Inc. for a Conditional Use Heavy Industrial (H-Ind.) Permit to allow for mining and brick manufacture, on approximately 407 total acres (4 tracts and a portion of 1 tract) located on Moncure Flatwood Road (SR #1924), Cape Fear Township

Loyse Hurley, 16 Matchwood, Pittsboro, NC, President of Chatham Citizens for Effective Communities (CCEC), stated that CCEC is an interested party to this issue and has developed a level of expertise in reviewing development applications over the past four years; that they have carefully reviewed the Conditional Use Permit application for General Shale and Brick; that overall, this project appears to be a good use for the property; that it should provide needed continued employment for the citizens, an eventual reduction in truck traffic on Corinth Road and the expansion of an existing business; and that all positives that should be encouraged.

Ms. Hurley stated however, that the application appears to be somewhat incomplete and requires additional information for the Board to make their determinations on the five findings; that in this case, Findings #3 and #5 are of particular concern; that they recognize that some of the perimeter buffers are grandfathered, however they suggest that these buffers be increased where ever possible; that this would provide a better proposal with respect to meeting the terms of Finding 3 concerning the integrity and character of the surrounding area; that additionally, since this is a clay mining operation, there is no mention of dust suppression measures, which would also relate to Finding 3; that it is mentioned however that County water is not used; that they question the use of well water for dust suppression, because of the impact on the existing wells in the area, especially during drought conditions when the aquifer can be lower; and that using of collected rain water for proper dust suppression, is questionable especially during periods when there is no rain; that the environmental aspects of this proposal are involved with both Findings 3 and 5; that their review indicates additional information is necessary, in order to meet these findings; that the September 2007 map prepared by the Planning Department shows what appears to be blue line streams, yet the developer's Exhibits C and D do show intended buffers but do not indicate any buffers for these streams. She asked, "Have all the perennial, intermittent and ephemeral streams, wetlands and other water bodies been identified on this site?", stating that it would appear from the topography of the site, that there are a number of streams that may drain this site; that this information is lacking within the application; and that the NC Wildlife Resources Commission have recommended 100 foot buffers in addition to other recommendations and CCEC agrees with their recommendations.

Ms. Hurley further stated that this area is located in the WS-PA-IV area of the watershed, yet, once again, any description of internal stream buffers are not mentioned; that the application only refers to meeting the 36% impervious surface requirements; that several stormwater retention ponds are included in this proposal; that there is no description of these retention ponds; and that they are placed in the topographically low lying areas. She asked, "Are they intended to retain 1 inch of stormwater over a 24 hour period or do they intend to utilize the more practical 2 inch retention? Is there any intention to monitor this storm water discharge?" stating that according to anecdotal information, this mining operation has had a history of muddy discharges into the streams in the area. She stated that General Shale and Brick intend to close the Corinth Road mine and begin the reclamation process; that the reclamation plans are presumably on file with the State, yet, there is no reclamation plan included in this application for the eventual closure of the subject property; that there is no description of how the applicant plans to clear the site for mining. She asked, "Do they plan to clear cut the entire site at once? Or do they plan to clear cut in sections and reclaim as they proceed?" She stated that the information is simply not included and should be; that they recommend that these environmental and process issues be resolved prior to further consideration of this Conditional Use Permit; and that perhaps, General Shale and Brick would even consider submitting a voluntary Environmental Assessment for this site.

Nick Robinson, PO Box 607, Pittsboro, NC, stated that he lodges a general objection to testimony by non-interested parties. He stated that General Shale Brick Company, Inc. ("Applicant") is applying to Chatham County for approval of a Conditional Use Permit associated with the existing mining operation that serves its Chatham County brick manufacturing plant; that the applicant desires to add contiguous property to its existing mine. Mr. Robinson's comments in their entirety are as follows:

"For existing zoning, see EXHIBIT A. Some of the property to be added is located in a Heavy Industrial Conditional Use District but is not subject to a conditional use permit. As to this property, Applicant requests only a conditional use permit. The balance of the property to be added is currently zoned for residential. As to the residential property, applicant desires both a conditional use district (CU-Ind.-H) and a conditional use permit (CUP-Ind.-H). *For a map of proposed zoning, see EXHIBIT B.* A separate conditional use district application is being filed contemporaneously with this application for a conditional use permit.

Applicant currently has two mines located in Chatham County that are used to derive raw material for use in its Chatham County brick manufacturing plant. The mine that is the subject of this application is located on Moncure-Flatwood Road (the "Flatwood Mine"). The other mine is located off of Corinth Rd. (the "Corinth Mine"). Both mines and the plant are located within a two to three mile radius of one another in the Moncure/Corinth area. Applicant has already acquired four parcels contiguous to the Flatwood Mine and seeks to expand its mine into these contiguous parcels. Upon approval of this conditional use permit request, Applicant will close the Corinth Rd. mine and commence the reclamation process for that mine.

The brick plant has been in operation in Chatham County for over 80 years. It is a significant employer and tax payer in the County. Applicant employs 206 people within its Chatham County operations and has a Chatham County annual payroll of \$8,784,775.00. The conditional use permit request is made pursuant to Section 15 of the Chatham County Zoning Ordinance. As is set forth in detail in this application, the proposal is consistent with the provisions of the zoning ordinance and the county land use plan.

FINDINGS REQUIRED BY ZONING ORDINANCE

The Chatham County Zoning Ordinance provides, in Section 15.1, that: "In considering an application for a conditional use permit the Board of Commissioners shall give due regard that the purpose and intent of this Ordinance shall be served, public safety and welfare secured and substantial justice done." This application is consistent with all of the purposes of the Ordinance set forth in its preamble.

The Ordinance requires that the Board of Commissioners make five affirmative findings in granting a conditional use permit. All five findings are supported by this application.

Finding #1: *The use requested is among those listed as an eligible conditional use in the district in which the subject property is located or is to be located.*

(1) Validation of Use in Zoning Ordinance: The subject property would be located within a conditional use district "Ind. H." Both mining and clay manufacturing are allowed uses within such a district. *Chatham County Zoning Ordinance, section 10. 7 A.* The uses are not only allowed conditional uses but they are generally allowed uses within the district as well.

(2) Land Development Plan Reference: This application is consistent with the Land Use Plan. Please refer to written remarks delivered during the Conditional Use District public hearing.

Finding #2: *The requested conditional use permit is either essential or desirable for the public convenience or welfare.*

(1) Need and Desirability: General Shale Brick, Inc. is a large Chatham County employer, employing over 200 people in its Chatham County operations. The Chatham County payroll itself exceeds \$8,000,000.00 annually. A convenient source of clay mining is necessary for brick manufacturing. Approval of the requested permit will help to assure this necessary source of clay and that Applicant remains one of the biggest employers in the County. A plentiful supply of bricks manufactured in Chatham County will allow our local market economy to reap some of the benefits of growth within the Triangle area. Sustaining General Shale's ability to employ and pay employees in Chatham County as well as its ability to supply local contractors with necessary material for construction within the County is both necessary and desirable. This kind of contribution to the Chatham economic engine, without commensurate costs of County services is ideal.

(2) Survey of Similar Uses: The Applicant has its own mine located nearby, but that mine will close upon approval of this permit and commencement of expansion of the Moncure-Flatwood mine. Triangle Brick operates a similar mine in Merry Oaks.

(3) Public Provided Improvements: No additional public improvements will be needed for this project.

(4) Tax Considerations: According to the Chatham County Tax Assessor's office, General Shale Brick Company is within the top ten ad valorem tax payers in Chatham County and as high as number three when public utilities are excluded. Also according to the Tax office, Applicant pays upwards of \$270,000 in ad valorem taxes each year. That number will likely grow upon approval of the requested permit. Although it is difficult to predict with precision the tax revenue benefit to Chatham County, it is expected that this project will result in an increase in assessed value of the subject property. This use will not increase the County school population, will not require infrastructure improvements from the County and will have no significant impact on County fire, law enforcement or rescue services.

(5) Employment: It is not anticipated that new employees will be added but approval of the permit will allow continued employment of the over 200 employees within the Chatham County operations.

Finding #3: *The requested permit will not impair the integrity or character of the surrounding or adjoining districts, and will not be detrimental to the health safety and welfare of the community.*

(1) Emergency Services: The project is expected to make very limited demands on fire and police protection and emergency services. This is certainly true as compared to other possible uses of the subject property, such as residential.

(2) Traffic: The truck traffic entering and departing the area will not be increased over current traffic counts. This is true even with the closing of the Corinth Rd. mine. This is because the clay materials produced by the current mine and the Corinth Rd. mines are different but both necessary for brick production. Currently, each truck that loads clay material from the present mine (2/3 load), also travels down Corinth Road to the Corinth Rd. mine and loads harder clay material (1/3 load). Upon approval of the permit, each truck will

be able to load both types of material at the one mine. Thus, truck traffic from the Corinth Rd. mine will be virtually eliminated very soon and truck traffic to the Moncure-Flatwood site will not increase significantly. Also, the number of trucks entering Corinth Rd. will decrease because of the closing of the Corinth Rd. mine. The surrounding area should not perceive any increase in truck traffic as a result of approval of the requested permit but may experience a decrease in traffic in the area between the Corinth Rd. mine and the plant itself.

(3) Visual Impact and Screening: This project will have a minimal impact on neighbors and passers-by. The landscape plan imposes a natural buffer of 80 feet around the entire perimeter of the CUP property. This provision meets the landscape buffer requirements set forth in the Chatham County Design Guidelines.

(4) Lighting: No additional exterior lighting will be utilized.

(5) Noise: There should be no additional type of noise associated with this use other than what is already associated with the mine.

(6) Chemicals, Biological and Radioactive Agents: The operation will generate no chemical, biological or radioactive agents.

(7) Signs: No new signs will be utilized other than perhaps interior directional signs.

(8) Adjoining Property: Based on a report by appraiser Nick Erpelding, there is no evidence to suggest that the project, as designed, will have any negative impact on surrounding property values.

Finding #4: *The requested permit will be consistent with the objectives of the land development plan.*

(1) Land Use Plan Reference: This application is consistent with the Land Use Plan. Please refer to written remarks delivered during the Conditional Use District public hearing.

Finding #5: *Adequate utilities, access roads, storm drainage, recreation, open space and other necessary facilities have been or are being provided consistent with the County's plans, policies and regulations.*

(1) Water Source and Requirements: No water is necessary for the operation. No public water will be used.

(2) Wastewater Management: No additional wastewater management is needed in connection with the requested district and permit.

(3) Water/Sewer Impact Statement: Not applicable. No public utility involved.

(4) Access Roads: No change to the existing access is necessary. Nor is any change requested. No driveway permit is necessary.

(5) Storm water Runoff: The stormwater detention basins are shown on the site plan.

To conclude the evidence presented, we submit as evidence all of the materials submitted with the application as well as the materials supplied tonight. We respectfully suggest that the five findings have been met and that the conditional use permit be granted.”

Mr. Robinson thanked the Board for the opportunity to address them on this issue.

Commissioner Lucier asked if this was to be a simple, mining operation and no processing of materials prior to hauling them to the plant. Mr. Robinson replied in the affirmative.

Commissioner Lucier asked if the State would require monitoring data on the stormwater ponds. Warren Paschal with General Shale replied that the information was indicated in General Shale's mining permit and that the mining permit was available and easily accessible to the public.

Liz Cullington, 390 Rolling Hills Road, Pittsboro, NC, stated that when there is rain, there will be runoff, and if there is not rain, there is dust; that the Board of Commissioners cannot feel any confidence based on the initial written report; that the industrial facilities mentioned are not on Moncure-Flatwood Road; and that there looks to be an inadequate amount of stormwater retention ponds.

Don Brown, 1715 Moncure-Flatwood Road, Moncure, NC, stated that he has a few concerns about the project; that there are four families that live adjacent to the property; that he is concerned about water, truck traffic, and noise; that the same trucks are now going to be nearer to the houses; and that the perimeter buffers are a concern.

Commissioner Lucier asked if there was a reclamation plan as part of the mining permit. Mr. Robinson replied in the affirmative stating that it had to be approved before the permit is issued. Commissioner Lucier stated that it might be worthwhile to consider an additional permitted buffer when there are already houses in place.

Chairman Thompson asked about the noise created from blasting.

Warren Paschal replied that there was no blasting at this facility.

BREAK

The Chairman called for a short break.

BOARD OF COMMISSIONERS' MATTERS

Public Comments Session:

Public Comments Session on the Procedures for Release of Closed Session Information: Public session to receive public comments on the procedures for release of closed session information

John Graybeal, 3396 Alston Chapel Road, Pittsboro, NC, stated that his comments are based on the version from the previous version; that he questions whether a policy is needed at all; and that there will be very few advisory committees to go into closed sessions.

Kevin Whiteheart, County Attorney, stated that this is an area of law that makes attorney cringe when they get a public records request that is questionable; that the reason is that there are two competing interests: 1) The interest by the public to know what their government is doing; 2) The interest in government to undertake sometimes confidential or delicate negotiations or discussions; that when he looked at coming up with a policy, he realized that two areas of the law had to be combined; that one is the Open Meetings Law and the other is the Public Records Law; that those two do not mesh that easily; that they are not that well defined; that the Board has asked for a policy that: 1) One that favors the release of documents as quickly as possible so that there is open government; 2) One that does so fairly and quickly; that he looked on the internet for available policies on public records; that it was interesting because one thinks he can just see what the law says and that is it; that the North Carolina Attorney General has a Public Records Policy; that the Division of Environmental and Natural Resources has its own policy on the release of public records; that there are many others and those policies vary; that the North Carolina Press Association has its own handbook on how to obtain public records (NC Media Law Handbook); that he thinks by the Board opening the process to comments, it is turning out to be helpful; that there are some areas that are difficult to understand, require some sensitivity both from satisfying the public's right to know and satisfying the County's need for confidentiality in certain circumstances; that he would welcome a chance to work with Mr. Graybeal and others; that he appreciates the comments received thus far and looks forward to taking them back and putting them in policy form.

MANAGER' S REPORTS

The County Manager reported on the following:

Rocky River Stakeholders Group Contract:

The County Manager explained that staff recommendation is to secure NC State University, Natural Resources Leadership Institute (NRLI) to help facilitate and give focus to the Rocky River Stakeholder Group (an advisory body appointed by the Board of Commissioners) for addressing best management practices for the Rocky River; that in the proposed project, NCSU will assist the Rocky River Stakeholder Group to develop an initial approach for protecting and/or improving water quality within the Rocky River Watershed; that the project start date is September 20, 2007 and project end date is April 30, 2008; and that the proposal amount is \$11,940.00.

Commissioner Lucier moved, seconded by Commissioner Barnes, to approve the contract with NC State University to aid the Rocky River Stakeholder Group in the amount of \$11,940.00. The motion carried five (5) to zero (0).

TJCOG Contract:

The County Manager explained that staff has been working with Triangle J Council of Governments for some time regarding giving support to various, on-going zoning and subdivision and Environmental Review Board work processes; that the County Attorney and Planning Director have been working with them; that there is one adaptation that they want to make based on the afternoon's authorization of a "Director of Environmental Resources"; that Item #2 under the proposed contract references various Environmental Review Board support; and that the incoming director has agreed that he can do that work.

The County Attorney distributed the contracts, Land Use Committee Coordination Initiative (LUCCI) and Major Corridor Ordinance Committee (MCOC), for Board review. He explained the specifics of the land use and land development functions contract and stated the Board of Commissioners' interest in having TJCOG draft various policy and ordinance amendments was included in the latest version.

The Board requested revisions to the Land Use contract to: clarify that TJCOG would be doing the actual drafting of all of the amendments for Subdivision and Zoning ordinances. Also, since the County is hiring a Director of Environmental Services, the Board wanted the Land Use contract to reflect that the County might undertake the drafting of ordinances and policies for the Environmental Review Board. This was contingent on the new Director determining he had the expertise to undertake this job.

On the Major Corridor contract, the Board wanted to make sure that the contract terms reflected that TJ COG was also responsible for the actual drafting of the Ordinance.

After considerable discussion, Commissioner Lucier moved, seconded by Commissioner Cross, to approve both contracts (subject to emphasis on Item #6 which refers to all three activities in terms of the writing component of that). The motion carried five (5) to zero (0).

COMMISSIONERS' REPORTS

Commissioner Lucier asked if the letter had been sent to the Corps of Engineers advising them that the County wished to be informed of anything relevant to Chatham County. He also asked about the letter to the EMC.

The County Manager replied that both letters had been sent; that he had spoken with the attorney for the Corps of Engineers; and that he is awaiting a return letter based on that conversation.

ADJOURNMENT

Commissioner Lucier moved, seconded by Commissioner Vanderbeck, to adjourn the regular meeting. The motion carried five (5) to zero (0), and the meeting was adjourned at 10:16 PM.

Carl E. Thompson, Sr., Chairman

ATTEST:

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