

sensitivity involved with that. Mr. Steele replied that they would move the houses once they started grading, and that would be within the next few months.

Chairman Thompson stated that he believed Mr. Whiteheart would need to bring some written documentation back to the Board for approval. Mr. Whiteheart said that was correct. He stated one other thing was that the County, under the statutes, was allowed to make a gift transfer of surplus property to a non-profit; however, if it was a for-profit transfer, it would have to go through the regular sale procedures, so they would need to look at the process for doing a private sale to make sure they had the proper notice sent out.

Mr. Steele stated if the process proved too cumbersome, he suggested the gift could be made to Preservation North Carolina, and they could then place it in his hands. He stated he had worked with them in the past, and they were very supportive.

Chairman Thompson suggested that Mr. Whiteheart bring a report back at the next meeting that detailed exactly what would be involved; and, that he detail any options available, including the one just mentioned by Mr. Steele. He stated that time was of the essence, and wanted to move quickly on this.

Mr. Steele asked from the County's point of view, when they would need to have the houses moved.

Chairman Thompson stated as soon as possible. The County Manager agreed, noting as soon as possible after the first of the year would be preferable.

LUNCH BREAK

The Chairman called for a forty-five minute lunch break.

REDISTRICTING

Jeremy Poss, GIS Manager, displayed a map with the original districts adopted in November 2006 along with population figures. He stated using that map as a starting point they had created a map with proposed new districts; that they had used the population figures to attempt to split the districts more evenly and logically; and, that they had used voter precinct boundaries as blocks when drawing the new districts.

Mr. Poss stated that Commissioner Lucier had contacted him and requested that he look at the original districts and try to tweak them to get the populations down. He then displayed a color-coded map that showed the original district lines and the suggested modifications drawn as a yellow line. Differences included:

- Because the main issue was between District 1 and District 2, they adjusted the lines south of US Highway #64 and moved it over the Haw River to the east, and adjusted the lines at US Highway #15-501 to Mann's Chapel.
- Between District 2 and District 3, they had adjusted the line over to Highway #902.
- A slight change was made to the line in the western part of the County.

Mr. Poss stated the goal was to try to get the populations between each district as even as possible, and he believed the new map accomplished that.

Commissioner Barnes asked how many maps had been prepared since 2006. Mr. Poss responded between 12 and 14, since each time a minor adjustment was made that it, in effect, produced a new map. He stated that basically it was the same map from 2006 but with various overlays added to it, and was the most accurate map available. Ms. Poss added it carried less than a 1% deviation in population.

Commissioner Vanderbeck stated it appeared this map had moved the fewest Census blocks possible, was better than anything done before, and had taken the least amount of time. He wondered why that had not been done before. Mr. Poss stated the goal of the previous committee had been to keep the towns intact, and that limited what else could be done.

Commissioner Vanderbeck stated it was remarkably close to what had existed previously, and they had done a remarkable job to keep the population deviations at 1%.

Chairman Thompson asked what the deviation ranges were of the new map as opposed to the deviation ranges with the adopted map. Mr. Poss said the map adopted in 2006 carried a percentage deviation between District 1 and District 2 of almost 2%, and the other districts were below 1%.

Commissioner Lucier stated the total deviation in the November 2006 map was 3.6%, and this October 17, 2007 map it was 1.2%, so it was a three-fold reduction in the amount of deviation between the districts. Mr. Poss stated that was correct, and reiterated that he was using 2000 Census figures.

County Attorney Kevin Whiteheart stated in the special legislation that applied to Chatham County, Section 153A-22.4 stated that "If a County is divided into residency districts, the Board of Commissioners may find as a fact whether there is substantial inequality of population amount the districts. If the Board finds that there is substantial inequality of population among the districts, it may by resolution redefine the residency districts to make them more nearly equal. Intents for compliance with this section is a reduction in the relative overall range of deviation."

Mr. Whiteheart stated that the statute asked the Board to determine whether in fact there was a substantial inequality. First of all, he said, you would have to determine if there was an inequality and to determine if it was substantial, and it did not tell you what to use to determine if there was an inequality or not. Mr. Whiteheart said one of the things they knew from anecdotal evidence was that there was an increase in population in Chatham County, and there was empirical data that suggested there was a substantial inequality in the population. He explained how that was determined, which included overcrowding of schools.

Mr. Whiteheart stated that the statute indicated that if you wanted to reduce the inequality, you had to look at the overall range of inequality and look at whether that could be reduced. So, he said, in some respects it required the Board to make determinations with findings of fact that yes, they have had growth, they don't know exactly where that growth had occurred, but they know from looking at the empirical data that they had had a 21% increase in growth over a 6-year period, which to him was significant.

Mr. Whiteheart said after having reviewed the statute, and after talking with Bob Joyce at the Institute of Government as well as Dr. John Hanna, he had gone through and outlined the possible methods for determining whether to do a redistricting or not. He said there were two issues: you either do a restriction or you don't; and, if you do a redistricting what was the basis for doing it. Mr. Whiteheart stated it came down to a Board determination of whether that inequality of residency within and among the districts was substantial. He said if you find as fact that it was substantial, then you look at ways to reduce that inequality.

Mr. Whiteheart stated the best way of showing there was an inequality and that there can be a reduction in that deviation was to actually do what Mr. Poss had done, which was to tinker with the actual Census blocks based on the 2000 data, and we can see that he had been able to reduce that overall relative range of deviation, reducing it by three-fold. He stated if you look from the adopted map to the proposed map, you would see that there was a reduction also in the range of deviation of minority voting blocks. So, he said, the new map brought everything more into line. Mr. Whiteheart stated there was one district that had about a 19% deviation among the others in terms of the African-American voters; with the new changes made by Mr. Poss, it smoothed out that range of minority voting all through the five districts. So, he said, in that respect one could state that it made the process more fair because the minority voting blocks in each district had a more equal stance from which to elect a representative as opposed to just one district having a large presence and being able to elect perhaps just one representative. He said the new map posed a fairer positioning for the African-American community as well as the Hispanic community.

Mr. Whiteheart said from those standpoints, if the Board chose to adopt the method that the statute required, he believed this was the way to go about doing that.

Chairman Thompson stated then the steps the Board should take was to find as fact that there was a potential inequality of the population, then based on that finding move to redistrict. Mr. Whiteheart stated that was correct, noting that would have to be adopted into a resolution.

Commissioner Vanderbeck stated you had used the anecdotal information to influence your empirical model to give support to your supposition that they had possibly made the argument for substantial inequality being changed. He asked could you then go back to the new map and say, using the anecdotal model, that they had effectively addressed the anecdotal information. Mr. Whiteheart said he was not sure you would want to, because anecdotal evidence was the starting point, perhaps, in your hypothesis, then you go forward with your empirical data to support that hypothesis or to find that that hypothesis was incorrect. And so, he said, the anecdotal evidence was that they knew something had gone on in terms of growth within the County, and the empirical data was used to prove or disprove the hypothesis starting from the position of the anecdotal evidence.

Mr. Whiteheart said the empirical data was from the 2006 estimates that they had regarding population growth, the overcrowding in the schools, and the number of subdivisions added between 2000 and 2006. He said utility records could also be a strong addition to empirical data from which to draw. Mr. Whiteheart said if the Board determined that there was a substantial inequality, those would be the ways that one could reach that conclusion.

Chairman Thompson asked if the increase in population could be used as a determining marker or guideline. Mr. Whiteheart said he supposed one could, since there was a 21% increase in growth that could be used, but the way the statute was written it did not tell them what method to use. He said that put them more in the role of theorists put in the position of determining how best to reconcile the data that they had and how to draw conclusions from it. Mr. Whiteheart said he believed the Board was positioned to make those determinations based on the best information that they had, given that the statute gave them very little guidance in how to determine whether there was substantial inequality. He said the statute told them how to reduce the inequality, but not how to determine if there was a substantial inequality in the first place. Basically, he said, they were using the data that they had.

Chairman Thompson asked how the language in the enabling legislation for Chatham was different from the language for other counties. He stated that might have some bearing on interpreting what they chose to do.

Commissioner Vanderbeck asked was there an overlay of precincts that were now split up by the new map. Mr. Poss stated he did not yet have that. Commissioner Vanderbeck asked if he could tell him how many precincts were split. Mr. Poss estimated very few.

Commissioner Vanderbeck stated the October 17, 2007 map had disrupted the precincts to a far, far lesser extent than the November 2006 map. Mr. Poss said that was a fair statement, noting only 2 or 3 precincts were slightly affected.

Commissioner Vanderbeck asked how many Census blocks he had to move to achieve the November 2006 map versus how many had to be moved to achieve the October 17, 2007 map. He said at first glance, it seems to be ten items more for the 2006 map compared to the October 17, 2007 map. Mr. Poss said the 2006 map was more of an overhaul. Commissioner Lucier said then the 2007 map moved very few Census blocks whereas the November 2006 map moved a tremendous number of Census blocks.

Francie Henville-Sherman, a citizen, stated it seemed to her as an observer last fall was that Commissioners Barnes and Cross often voted opposite the rest of the Board, including this issue. She said the way this came down put Commissioner Barnes out of a job with no opportunity to run for re-election. Ms. Henville-Sherman asked with this new plan, would all the Board members be able to run again.

Commissioner Lucier responded yes, they would. Ms. Henville-Sherman said it appeared to her, from a citizen's point of view, that the three Board members who controlled the vote at that time were trying to "kick" Commissioner Barnes out of a job. Commissioner Lucier said it certainly prevented Commissioner Barnes from running for re-election in 2008, even though he was duly elected in 2004. On the other hand, Mr. Morgan, who was defeated in 2006 but worked on the redistricting, would be allowed to run again from the district in which he was living in

2006, so he would not have to wait four years but could run again in two years. Commissioner Lucier said Mr. Emerson who also voted to change the districts would also be allowed to run in two years instead of waiting four years. Mr. Outz who did not run in 2006 but campaigned for Mr. Emerson and Mr. Morgan and the redistricting would also be allowed to run in 2008 instead of waiting the normal four years. He said Mary Nettles who ran with Mr. Emerson and Mr. Morgan would also not have to wait the four years, but only two years, and could run from the new District 2. Commissioner Lucier said the odds of that being just chance was extraordinarily close to zero.

Mr. Whiteheart stated under Section 153A-22, it said "If a County is divided into electoral districts for the purpose of nominating or electing persons to the Board of Commissioners, the Board may find as a fact whether there is substantial inequality of population among the districts. If the Board finds that there is substantial inequality of population among the districts, it may by resolution redefine the electoral districts. Redefined electoral districts shall be so drawn that the quotients obtained by dividing the population of each district by the number of Commissioners proportion to the district or as nearly equal as practicable, and each district shall be composed of territory within a continuous boundary." So, he said, there were differences between the two types of districts, the residency and the electoral districts; then there were differences in terms of the way that the division of residents within each district was drawn; and, that this one did not have that white line test that said the "test for" determined substantial inequality, but it was whether the overall range of deviation could be reduced

Chairman Thompson stated then the criteria proposed to constitute the deviation would be the same under either method. Mr. Whiteheart responded that there were similarities in the tests; that the test for Chatham County was a little more explicit; that when Mr. Poss moved around the Census blocks and was able to find a new combination of Census blocks that reduced that overall relative range of deviation, then that was the proof.

Commissioner Cross moved, seconded by Commissioner Lucier, to set a public hearing date on the redistricting voting map for November 19, 2007, based on the three-fold improvement in deviation on the new proposed map.

Commissioner Vanderbeck offered verbal and written comments as follows:

"Last year I repeatedly expressed outrage at the politically motivated, punitive and rushed redistricting pushed through by the previous board after our primary victory. Recall that the board appointed a supposedly "bipartisan" committee that met for less than three hours before preparing a map that used outdated population figures from the 2000 census.

I remain outraged by that action, all the more so because it was intended to deprive a sitting Commissioner Barnes, a dedicated and caring public servant, of the ability to seek reelection.

I praise Commissioner Lucier for taking the initiative to prepare a new map that, if adopted, would reduce the population disparity between districts, and also allow Commissioner Barnes to seek reelection.

All that being said, I do have concerns about moving to adopt this new map at this time:

First, the law seems to require that BEFORE we can adopt any new map we must make a "finding of fact" that there is substantial population inequality between the districts in the last year's map. I am not convinced that the current 3% deviation between districts meets that legal test. Can someone convince me otherwise? What would it cost the taxpayers to defend against a court challenge on this issue, and what would be our chances of prevailing?

Second, I am concerned by both the appearance and the practical effect of our board having waited until such a late date to redistrict. Yes, I know we have been very busy on other matters, but I do not want our process to have the same unpleasant odor as the rushed process of the previous board. What delays would a court challenge, with appeals, bring? What uncertainty would it bring? Remember that candidates have to file around the end of February.

Third, this new map does not maintain the integrity of our towns. In fact it allows two commissioners from the same town. We have not formally consulted the town leadership on this.

Is this really good public policy?

Fourth, it appears to me that the new map results in three precincts being split between districts. The use of multiple, alternative, ballots within precincts will inevitably result in mass confusion for poll workers and voters alike. We've seen it happen before, and it leads to mistakes and election challenges. With further work, perhaps this could be resolved.

Finally, we are all concerned about the East/West divide in Chatham County. It appears to me that the proposed map would further increase that divide. Can we not do better?

For these reasons, sadly, I cannot vote in favor of this new map."

Commissioner Lucier commented that as a former scientist, any time any scientific or science-based assessment was done that resulted in a three-fold change in a given situation, it was always considered substantial and significant, and was always validated in courts of law; that as an example such a change in the risk from a chemical would be a substantial reduction; that he did not believe there was much question about the ability for this to stand up to a legal test in terms of substantial reduction; that the fact that they could reduce it three fold must mean that there was a substantial inequality now; and, if there wasn't they would not be able to reduce it three fold.

Commissioner Lucier said this map was similar to the pre-November 2006 map, which meant that the precincts remained more intact; that the 2006 map in fact had never been implemented since it had not yet been used for an election; and, that by maintaining a closeness to the 2006 map they were in fact causing far less disruption than allowing the 2006 map to proceed. He said for those reasons, he certainly supported moving forward with a public hearing. Commissioner Lucier emphasized that the vote was to hold a public hearing and not on the map itself.

Chairman Thompson stated this was a tough one, because the 2006 map strongly appeared to have been drawn for political reasons; and what was happening here among other things was the attempt to right a wrong. He stated the attorney had said that the percentage of minorities within the districts was distributed more equitably in the new map as opposed to the 2006 map, and he thought what was done was done for the right reasons and that would weigh heavily on any decision that he made. Chairman Thompson said on the other hand, he thought that this redistricting process was so important to Chatham County and its citizens that it should not be rushed into even though a committee would be hard pressed to put together a better map; that from the standpoint of citizen involvement it was something that should not be rushed into; and, as critical as a move like this was, ideally you would want citizen involvement in the redrawing of the districts. Unfortunately, he said, they were not in a position to do that now.

Chairman Thompson said the problem he had now was the appearance to the public of the Board having put together something and moving rapidly to get it approved. He stated the idea of a public hearing was a good one, but they essentially were looking at presenting a map to the public without public input except in the public hearing process and then voting, and that bothered him tremendously. Chairman Thompson said he was trying to decide whether the prospect of that situation outweighed the fact that they had a Commissioner who, if they stopped the process today, could not run again.

Commissioner Cross stated he understood those concerns; that they could not do an accurate split on districts until the 2010 Census data was released; and, that the fact that they could identify a three-fold difference in the deviation, they would be derelict not to correct that.

Chairman Thompson stated it was not so much the fact that they could correct it, but the process to be followed to do so. He stated the ideal process was to invite citizen involvement.

Commissioner Cross stated if they held a public hearing that would allow time for public input. He said when the 2006 map was adopted, he had time only to look at the map and watch it get voted on and approved.

Chairman Thompson agreed that had happened fairly quickly, but remembered the uproar that process had caused.

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

CLOSED SESSION

Commissioner Vanderbeck moved, seconded by Commissioner Cross, to go out of Regular Session and convene in Closed Session for the purpose of discussing pending litigation of HBP Properties, LLC v Chatham County, Case 07 CVS 561 pursuant to NCGS 143-318.11(a)(3) and land acquisition. The motion carried five (5) to zero (0).

REGULAR SESSION

Commissioner Vanderbeck moved, seconded by Commissioner Cross, to adjourn the Closed Session and reconvene in Regular Session. The motion carried five (5) to zero (0).

Offer to Purchase 87 Camp Drive, Pittsboro:

Commissioner Vanderbeck moved, seconded by Commissioner Lucier, to approve the Offer to Purchase and Contract for 87 Camp Drive, Pittsboro from the Estate of Geannie O. Laster in the amount of \$48,000. The motion carried five (5) to zero (0). The contract is attached hereto and by reference made a part hereof.

Chatham Business Park Roadway:

Commissioner Barnes moved, seconded by Commissioner Cross, to increase the stone base for the roadway in the Chatham Business Park from the specified 8 inches to 12 inches as requested by NCDOT at the approximate cost of approximately \$130,000 to be taken from Fund Balance. The motion carried five (5) to zero (0).

ADJOURNMENT

Commissioner Cross moved, seconded by Commissioner Barnes, to adjourn the meeting. The motion carried five (5) to zero (0), and the meeting was adjourned at 3:06 PM.

George Lucier, Vice Chairman

ATTEST:

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

7. **Solid Waste Advisory Committee Appointment:** Consideration of a request to appoint Sherry Yarkosky, Pittsboro, NC, to the Solid Waste Advisory Committee by Commissioner Cross

The motion carried four (4) to zero (0).

END OF CONSENT AGENDA

PUBLIC INPUT SESSION

Larry Ballas, 139 Indian Creek Lane, Apex, NC, stated that he voted against the Land Transfer Tax; that the reason for his vote was because he feels that Chatham County wouldn't presently get enough money from it because of the housing "slow down"; that the other reason is that he doesn't think that people are going to be able to sell their houses; that no one likes taxes but the other option is the Impact Fee that is charged for building houses; that if there is to be no revenue stream with the Land Transfer Tax, that there was a lot of money put into voting against the land transfer tax; that the special interests that funneled money are biased; that we must look at the impact fee as an option to continue funding schools and other projects; and that he hopes the Board of Commissioners will consider raising the Impact Fee.

The Vice Chairman informed Mr. Ballas that the Board of Commissioners, at their afternoon work session, had voted to increase the Impact Fee from \$2,900.00 to \$3,500 which is the maximum that can be assessed based on a 1999 study. He stated that the Board also voted to have the study redone under 2007 conditions to see whether the fee can be increased as the Impact Fee is an educational fee and can only be used for new school construction.

Peter Theye, 1065 Boothe Hill Road, Chapel Hill, NC, stated that the fixed income people in the County cannot afford higher property taxes and that he appreciates all the work the Commissioners have done to help the County.

BOARD OF COMMISSIONERS' MATTERS

Resolution Honoring the Service of Reba G. Thomas, Register of Deeds: Consideration of the request to adopt a Resolution Honoring the Service of Reba G. Thomas, Register of Deeds, on the occasion of her retirement

The Vice Chairman read the resolution in its entirety.

Ms. Thomas thanked everyone for their support over the years, including her family, friends, and coworkers.

Commissioner Barnes moved, seconded by Commissioner Cross, to adopt **Resolution #2007-44 Honoring the Service of Reba G. Thomas, Register of Deeds**, attached hereto and by reference made a part hereof. The motion carried four (4) to zero (0).

Resolution Proclaiming November as Nonprofit Awareness Month: Consideration of a request to adopt a Resolution Proclaiming November as Nonprofit Awareness Month, attached hereto and by reference made a part hereof. The motion carried four (4) to zero (0).

Commissioner Vanderbeck moved, seconded by Commissioner Barnes, to adopt **Resolution #2007-45 Proclaiming November as Nonprofit Awareness Month**, attached hereto and by reference made a part hereof. The motion carried four (4) to zero (0).

Public Hearing:

Redistricting Public Hearing: Public hearing to receive public comments on a proposal for redistricting of Chatham County's residency districts

Vice Chairman Lucier stated that in August, 2006, the previous Board of Commissioners held a public hearing on redistricting Commissioner districts. He stated that there were 45-50 people who spoke at the public hearings; that a public hearing was also held on the district-only voting which was defeated in the November election; that the redistricting the previous Board approved still stands; that this was passed by a three to two vote; that the map that was approved contained substantial deviation among the five Commissioner districts that are used for nominating Commissioners for their office; that the current map became effective on November 08, 2006 and has never been used; that based on the fact that the district-only voting was defeated, the current map contains significant and substantial deviation among the districts, the Commissioners felt that it was important to revisit the issue; that the Board has examined approximately fifteen maps which was reviewed by the committee; that Jeremy Poss, Geographic Information System's Manager, to take the pre-November 2006 map and move a few census blocks to arrive at a deviation that is less than the November 2006 map; that this was done using the previous map as a starting point; that the three maps of interest are: 1) the map in effect prior to November 08, 2006, 2) the one adopted by the Commissioners and went into effect on that date, and 3) the one that was generated by the current Board of Commissioners in October 2007; that this is a public hearing to hear comments on the map that was generated by the Commissioners for the purpose of the public hearing in October 2007.

The Vice Chairman opened the floor for comments.

Loyse Hurley, 16 Matchwood, Pittsboro, NC, President of Chatham Citizens for Effective Communities (CCEC), stated that in August, 2006 when the redistricting issue first came up before the previous Board of Commissioners, CCEC voiced serious concerns about that proposal; that they were concerned about the disenfranchisement of one of the sitting Commissioners, the split in the African-American communities, as well as, by the speed and lack of thoroughness of that process; that the token bipartisan committee had spent three hours in meetings to study the issue and come up with a map; that the previous Board chose to ignore their comments, as well as those of other citizens, and enacted the current map that following November; that the new map, based upon the 2000 census figures, does indeed balance the population far better and allows a sitting Commissioner to run for re-election; that a population balance of about 1% is far better than the 3% of the current map; that this new map allows Commissioner Barnes to make his own decisions about re-election and not have to be hampered by any political motivations of the then outgoing Board; that this new map allows the voters to exercise their constitutional right to evaluate the performance of a Commissioner seeking re-election; that the new map meets the goals of redistricting; that this new map acknowledges the citizens' vote against district-only voting and Commissioner Lucier is to be commended for bringing this new map forward; that the CCEC recognizes the time pressures involved with developing this map; that next year's electoral process needs to start before the filing date of next February, and all voters need to know in which district they reside, in order for that process to begin; that this redistricting process should have been started much sooner and in line with the Board's commitment to more open and responsive government, the citizens should have had a complete public process; and that while there is a vast improvement in the district map, the public process and timing of how this map was developed is flawed and they were disappointed.

Larry Ballas, 139 Indian Creek Lane, Apex, NC, stated that the map that is being proposed is way out of date, as most others are; that a broad study should be done; that many of the comments had to do with the process used to redistrict last time; that all that has been done is that the lines have been changed; that we are trying to align the districts so that one person can run again; and that we need to look at whether or not we need district voting with two at-large seats.

Vice Chairman Lucier explained that the Board was required to use the 2000 Census. He stated that they used the map that was in effect prior to 2006; that if the two maps are compared, very few census blocks have been moved; that the deviations are now less than the one that was adopted in November, 2006.

Gretchen Smith, 598 Jones Branch Road, Chapel Hill, NC, stated that as a registered voter residing in District 1, that she supports the proposed revisions to the

district maps; that the changes made to districts by the majority of the previous Board in November 2006 appeared to her to be an obvious ploy to punish Commissioner Barnes and the voters in his District and give those outgoing Commissioners who voted for the changes an unfair advantage for the 2008 elections; that the proposed revisions under consideration appear to her to be more fair, equitable, and based on logic and data; and that she is glad to see the current Board taking action now to correct the inequities of the November 2006 district map. She thanked the Board for the opportunity to speak on this issue.

Bob Murdock, 288 Luna Lane, Chapel Hill, NC, stated that this is about making the wrong right; that he appreciates the effort by the Board to correct this injustice; that this was short notice but the intent is good; and that it makes it fair and gives us back a sense of justice and fairness that we didn't have; and that he thinks this Board has worked very hard to right the injustice that has been done.

Sally Kost, 1101 New Hope Church Road, Apex, NC, stated that she worked very hard to stop district voting; that the map was drawn with assumptions of not splitting municipalities; that the map went along with district only voting; that she would have liked to see this process started early; and that she would like the County to explore the option of adding more commissioner seats.

Jan Nichols, 148 Fairview Road, Moncure, NC, stated that she speaks as chair of the Chatham Coalition; that while there may be merits to the proposed map, especially in light of the failure of the District voting referendum, the Chatham Coalition has strong reservations about the process for approval of the new map; that a core and preeminent principle of the Chatham Coalition is open government that provides for real public input; that that is input that ensures meaningful input from the beginning and throughout the decision-making process; that the proposed map has been developed without a citizen advisory committee, or other public participation with the exception of the hearing; that this hearing had limited publicity and insufficient lead time and did not allow for sufficient public participation; that the presentation of this map has been left to very late in the election cycle; that this process could have been started months before this and involved more input from the people; that as it now stands, it will likely negatively impact the Board of Elections as they must assimilate these changes in preparing for the may primary; that more important is the impact on potential candidates and their supporters within the County who have been moving forward in constructing their campaigns.

Jeffrey Starkweather, 590 Old Goldston Road, Pittsboro, NC, stated that he agreed with what others have said; that this process should have started early; that it was rushed and not deliberative; that two at-large commissioner seats should have accompanied district voting as an option; that democratic accountability is still important at the local level; that the election is critical; that elected officials should be held accountable; that this is a major step toward accountability; that the deliberative process is not in place here; that he asks the Board to weigh their decision from the standpoint of the citizens and voters; that Commissioner Vanderbeck ran on a platform of citizen advisory boards; and that he would like the Board to look at citizen advisory boards as a form of accountability in the future.

Kevin Whiteheart, County Attorney, stated that the two maps that have been produced have been a real help in this process; that Chatham is one of two counties in North Carolina that has special legislation that allows a residency redistricting; that he was asked to look at the 2006 redistricting as it relates to the special legislation; that the legislation was enacted in 1995; that in Chatham's residency districts, the candidate must reside in the district that he represents, however, all the voters in the County can participate in voting for any of the candidates; that that is different from typical electoral districts that are prevalent in most counties; that in looking at the legislation, the County seems to be stuck with it; that the first issue is the hypothesis of whether there is substantial inequality in the districts; that requires the Board to think about what has happened to the County since the year 2000; that ordinarily, when new census comes out, counties redistrict almost immediately; that in this instance, it did not happen this way; that the County is bound by using the most recent census data available; that from the 2006 census estimate, it shows that the County has grown by approximately 21% from

49,000 to over 61,000; that whether there is a substantial inequality in the population, it can be noted that there has been tremendous growth; that the legislation gave the County the means to test it.

Mr. Whiteheart reviewed the proposed newly drawn districts stating that there is now a much better distribution of population by districts with respect to minority voters. He stated, in his opinion, if the Board chooses to adopt the map, that it would be a legal and fair redistricting under the circumstances.

Vice Chairman Lucier stated that the Board had examined the 14-15 previous maps that the previous committee had put together; that the current map had less deviation than the other maps put together by the committee; that the work of the committee was used in the Board's deliberations; that the question is if the Board is required to hold a public hearing to redistrict. The County Attorney replied in the affirmative.

BREAK

The Vice Chairman called for a short break.

PLANNING AND ZONING

Subdivision Final Plat Approval of "Westfall, Phases 1A, 1B, and 1C":
Consideration of a request by Over Jordan, LLC for subdivision final approval of "Westfall, Phases 1A, 1B, and 1C" (f/k/a Booth Mountain), consisting of 94 lots on 160 acres, located off SR #1721, Lystra Road and SR #1717, Jack Bennett Road. Williams Township

Nick Robinson, attorney, stated that he was happy to be in attendance on behalf of the Westfall developer. He stated that there were a number of things discussed at the Planning Board many of which have been addressed numerous times over the years; that this developer has, in all cases, been as responsive as they could be; that approximately one year prior, the preliminary plat was approved by a unanimous vote; that that gave them the "green light" to proceed and spend a couple of million dollars for work that has been done in constructing the infrastructure; that they have complied with all the regulations of the subdivision and all the conditions placed on the preliminary plat; that they respectfully request that the final plat be approved.

The Vice Chairman asked the issue of the school trail.

Mr. Robinson stated that when the project was approved in 2005, they met with the school superintendent and were told that the schools did not want the trails for security and safety reasons; that a condition said that if they had the trail, it had to be shown on preliminary plat; that the trail location was placed on the preliminary plat which was approved; that their information has recently been that the current superintendent now desires the trail; and that they have shown the map to the schools and they like the location of the trail. He showed the location of the trail to the Board on the map.

The Vice Chairman stated that it was his understanding that the Board of Education was going to talk with the developer and the attorney about an additional right-of-way for the 60' area as part of it is in a sloping area and that it would be difficult to get a roadway that would not be subject to erosion in that area.

Mr. Robinson stated that those negotiations were on-going, but that it is a cluster of issues; that one is the voluntary expansion of the right-of-way; that the other is treatment of the school wastewater; that they plan to meet on Friday, the week after Thanksgiving to discuss these issues; and that there is a willingness with both parties to get both issues resolved.

Vice Chairman Lucier asked if the stormwater structures were going to be shown on the maps.

BOARD OF COMMISSIONERS' MATTERS

Fiscal Year 2007-2008 Budget Amendments: Consideration of a request to approve Fiscal Year 2007-2008 Budget Amendments

Chairman Lucier stated he believed there was a typo in the information presented. Vicki McConnell, Finance Officer, stated the total for the Environmental Review Officer was supposed to be \$122,000 instead of \$432,000.

Commissioner Vanderbeck stated that explanation took care of his question, noting that if someone saw that on the web site, it would certainly catch their attention.

Commissioner Barnes moved, seconded by Commissioner Vanderbeck, to approve the Fiscal Year 2007-2008 Budget Amendments, attached hereto and by reference made a part hereof. The motion carried four (4) to zero (0).

Public Hearing:

Public Hearing to Address the Permanent Closing of a Portion of a Certain Street in Moncure: Public hearing to receive public comments on the permanent closing of a portion of a certain street in Moncure pursuant to NCGS Section 153A-241 (All of Holmes Street west of its intersection with Jones Street [SR #1932] and a strip or parcel of land approximately 60' by 210' located between the lands of the Gerald B. Fiks and Oma J. Crutchfield, Petitioners)

Chairman Lucier stated he believed Mr. Messick would provide some comments on this issue. He determined from the Clerk that no one had signed up to speak on this issue.

County Attorney Paul Messick explained the specifics of the requested street closing in Moncure: it was a strip of land about 60 feet wide and 210 feet long located in between the property of the two petitioners; they were the only people affected by this closing and it would not deny them access to their property; and, that the closure met all the required conditions.

Clerk Sandra Sublett reminded the Board that the street closing required enactment of an ordinance.

Commissioner Vanderbeck moved, seconded by Commissioner Barnes, to close the public hearing and to adopt an **Ordinance Permanently Closing A Certain Street in Moncure**, attached hereto and by reference made a part hereof. The motion carried four (4) to zero (0).

Redistricting: Consideration of a proposal to redistrict Chatham County's residency districts

Chairman Lucier stated this was the subject of a public hearing on November 19th at which several people spoke.

Commissioner Cross stated the previous Board of Commissioners had voted against this for a couple of reasons; one was that everyone knew that the data that had to be used to do the districts was the 2000 census, but it was done anyway; that from roughly 15 or 16 choices, the choice was made that would unseat a sitting Commissioner, possibly before he wanted to be unseated, and it would not give him the chance to run for re-election in the 2008 election; that after three weeks of review and study, this Board was able to shear a reduction in population error from 3% to 1%; that it basically changed only two very small areas from its current voting districts; that it would allow Commissioner Barnes to seek re-election in 2008; that the 1% was certainly more accurate; that it was important to remember they were still using 2000 census numbers; and, that this would be revisited again in 2010 when the new census figures were in.

Commissioner Cross moved, seconded by Commissioner Barnes, to approve the new voting district map for new voting districts to be used in 2008 elections, attached hereto and by reference made a part hereof.

Commissioner Vanderbeck stated this echoed his comments from several weeks ago, in that he believed it would be nice to right the wrong to allow every sitting Commissioner the right to run for re-election, but not at the sacrifice of going through the records of process; and, there

may be some problems later on regarding the legality of what was substantially an inequality. Commissioner Vanderbeck stated he could not support the motion.

Chairman Lucier stated the October 17th map that was the basis for the public hearing had been examined by this Board along with the map that took effect in November of 2006, along with all the previous maps that committee had looked at; so, this was a process built upon the existing activity of that committee; that they had looked at and examined every map that the committee had drawn up, perhaps 15 in total; so, the process was not an isolated one but built upon the previous activity.

Chairman Lucier stated that the November 2006 map that was adopted by the previous Board of Commissioners in August of 2006 was never used in an election, so people had not become used to it; that the deviation among districts in the previous map was 3%, but the deviation in the new proposed map was 1.2%, which was a three-fold difference and clearly a substantial reduction; that it also allowed all duly elected Commissioners the right to run for re-election; that additionally, it moved only about 1/10th of the census blocks that would have been moved by the November 2006 map; that this would make it far less confusing for voters because far less voters would have their districts changed; that many more voters would have been affected under the 2006 map; that it resulted in less work for the Board of Election because there were very few census blocks to be moved; that the November 2006 map was tied to the referendum on district-only voting, which was defeated by a substantial margin; that at the public hearing, the Board received seven comments, and all seven stated the new map was a better map; and, that it had been built upon the previous activity of the former committee, so why should they keep something that had never been used in an election.

The Chairman called the question. The motion carried three (3) to one (1) with Commissioner Vanderbeck opposing.

PLANNING AND ZONING

Subdivision Final Plat Approval of "Westfall, Phases 1A, 1B, and 1C":
Consideration of a request by Over Jordan, LLC for subdivision final approval of "Westfall, Phases 1A, 1B, and 1C" (f/k/a Booth Mountain), consisting of 94 lots on 160 acres, located off SR #1721, Lystra Road and SR #1717, Jack Bennett Road, Williams Township

Chairman Lucier stated at the last meeting this was subject to a 2-2 vote; that there were a number of issues that were discussed and some had been addressed; that Mr. Robinson had indicated there was now an agreement to move the buffer from the historic creek edge to the new creek edge created from the beaver dam; that doing that would cause the buffer to overlap on some of the properties; and, that the intermittent stream would be identified as non-jurisdictional on the Phase 1C map.

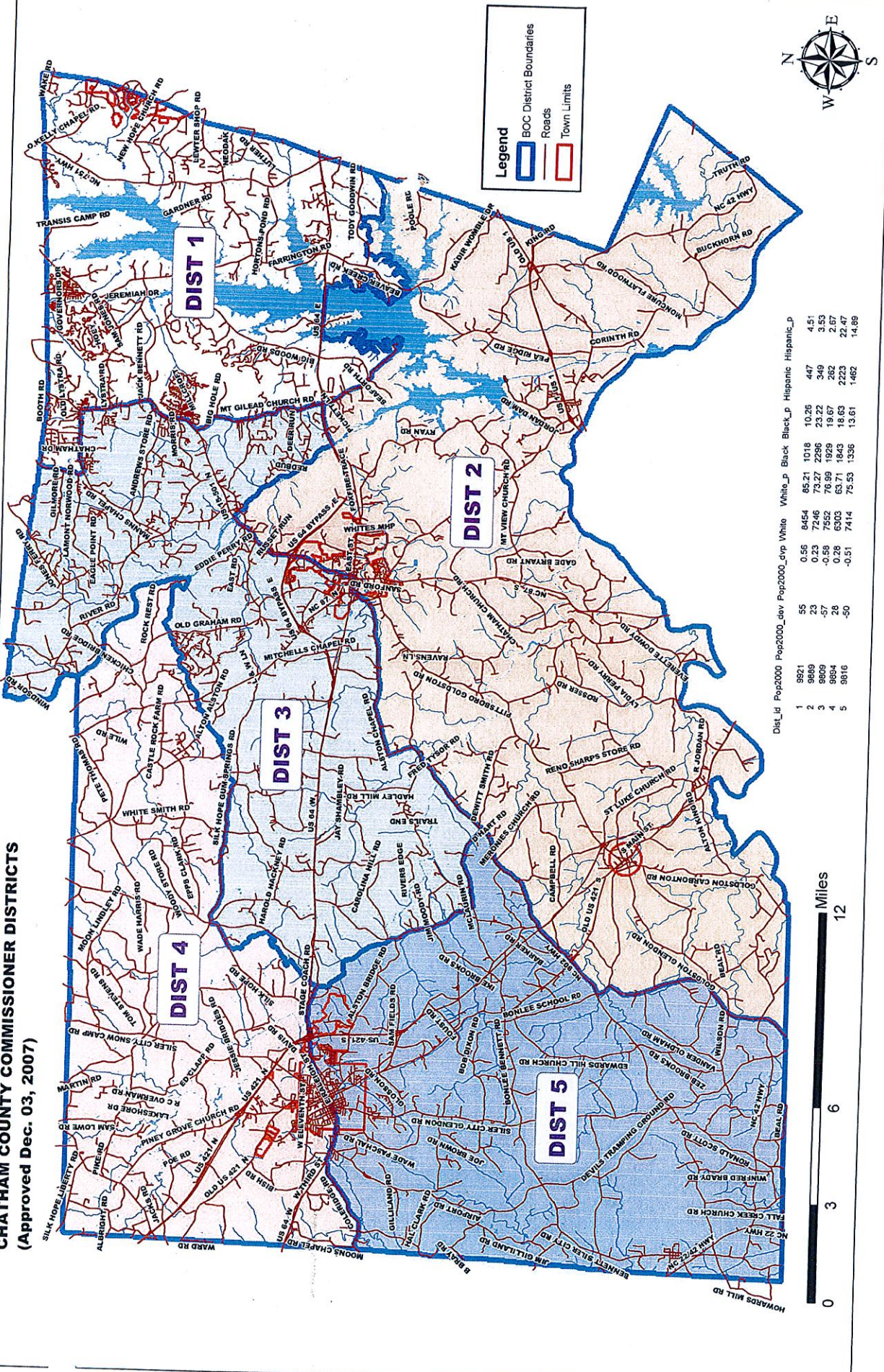
Responding to Chairman Lucier's request that the disputed channel be shown on lots #138 and #139, Nick Robinson, Attorney for the developer, explained that the Westfall Developer had agreed to the following:

Developer will show the channel on the final plat as "non-jurisdictional channel." They will place a note on the plat that says: "The channel depicted on lots #138 and #139 is non-jurisdictional and may be impacted by the developer or lot owner in their discretion." This way, the lot owner will know it is there and if he or she so chose could avoid the area.

Also, as previously addressed at the Commissioners' meeting, they have agreed to show the 100 foot buffer from the bank of the present location of Herndon Creek even though that will cause the buffer to overlap on the rear portions of lots #143-146.

Commissioner Vanderbeck asked if there were trails shown on the map. Mr. Robinson stated there was one trail shown on the map that came out by the "flag pole" entrance. Commissioner Vanderbeck asked wasn't there another one that was for emergency access. Mr. Robinson said yes, and they were still finalizing the terms of that access, but they had agreed that if all other terms of the agreement were met, that they would extend that emergency access from

CHATHAM COUNTY COMMISSIONER DISTRICTS
(Approved Dec. 03, 2007)



Legend

- BOC District Boundaries
- Roads
- Town Limits



Dist_Ltr Pop2000 Pop2000_sav Pop2000_dvp White White_p Black Black_p Hispanic Hispanic_p

1	9921	55	0.56	6454	85.21	1018	10.26	447	4.51
2	9869	23	0.23	7246	73.27	2296	23.22	349	3.53
3	9809	-57	-0.58	7552	76.99	1929	19.67	262	2.67
4	9894	26	0.28	6303	63.71	1843	18.63	2223	22.47
5	9816	-50	-0.51	7414	75.53	1336	13.61	1462	14.89

