

**MINUTES**  
**CHATHAM COUNTY BOARD OF COMMISSIONERS**  
**WORK SESSION**  
**NOVEMBER 05, 2007**

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The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met in the Agricultural Building Auditorium, 45 South Street, located in Pittsboro, North Carolina, at 9:50 AM on November 05, 2007.

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

The Work Session was called to order by the Chairman at 9:53 AM.

*Work Session*

1. **Follow-up on the County's non-profit allocations process:**
  - Multiplier Effect Form
  - Revised Certification Criteria
  - Non-Profit Funding Priorities
  - Non-Profit Volunteer Application
2. **Memorandum of Understanding (MOU):** Siler City
3. **Memorandum of Understanding (MOU):** TARPO
4. **Western Wake Wastewater Project Discussion:** Discussion of project and possible options for consideration
5. **Redistricting:** Presentation regarding possible reconfiguring of lines for Chatham County commissioner districts
6. **Capital Improvement Plan (CIP):** December work date and January Summit schedule will be discussed.
7. **Historic House Moving:** Patrick Steele will give the Board a presentation regarding his work and historic homes plan.
8. **Resolution Concerning Reclassification of the Watershed Area for the Pittsboro Water Plant Intake Area:** Consideration of a resolution from Pittsboro adding protective measures to their water intake areas on the Haw River
9. **Habitat for Humanity (Deed restriction changes for Leach property):** Certain wording changes will be suggested by Kevin Whiteheart, County Attorney, based on his review of the documents.
10. **Chatham County Zoning Ordinance Text Amendment:** Consideration of 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
11. **Closed Session** regarding pending litigation of HBP Properties, LLC v Chatham County, Case 07 CVS 561 pursuant to NCGS 143-318.11(a)(3)

Chairman Thompson stated he would like to hear Item #10, Chatham County Zoning Ordinance Text Amendment, first.

### **CHATHAM COUNTY ZONING ORDINANCE TEXT AMENDMENT**

**Chatham County Zoning Ordinance Text Amendment:** Consideration of a request by Chatham County for a text amendment to the Chatham County Zoning Ordinance, Section 10, items 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

Keith Megginson, Planning Director, stated this had been discussed at the October meeting, with a concern stated that the County's insurance carrier should be contacted to get their opinion on any liability; a second concern regarding the wording in the contract, which had now been addressed; the wording now referred to public schools and not private schools; and, it referred only to modular classrooms designed to accommodate overcrowding and did not apply to other high intensity areas such as site built buildings, parking areas or playground areas.

Commissioner Barnes stated he had a document from the Planning Board pertaining to this issue; that on the back page of the recommendations, the Planning Board was recommending that the modular units be moved over. Mr. Megginson stated that had been discussed in detail at the last meeting; the Planning Board's recommendation was different than the Planning staff recommendation; and, if the text had been changed as requested there would have been no movement of those modular classrooms at all.

Commissioner Lucier stated this was an issue where there was no perfect answer, in that no matter what they did, they would likely be criticized; that moving the buildings over the holidays would be tough to do in that short timeframe; that the school was already very overcrowded and if you take away the modular units even for a short while, you create another set of safety problems; and, this latest set of revisions appeared to be the best solution, although not a perfect one, but the best available option.

Gerald Totten, Board of Education Member, stated that they were in violation and had been for over a year when the first modular unit was placed there; that now they had done about everything possible to make sure the units were protected from any traffic coming down the road; that the expense of moving the units was money they did not have; that programs would likely have to be cut back if they were required to move the units; that moving them in December was not an option, noting it had taken almost three weeks to get them set up; that there were sewage concerns as well as other utility connection concerns; that by leaving them where they were currently located was the least disruptive; that the school's insurance carrier had determined that the school system had the liability, not the County; and, that the new middle school, when built, would relieve the pressure currently on North Chatham Elementary and Harry Harrison Schools.

Mr. Totten stated that the School Board had voted unanimously to request that the Commissioners support the new wording in the text amendment. He added that the School Board had requested that DOT reduce the speed limit on Lystra Road to 45 mph from its current 55 mph.

Commissioner Barnes stated the speed limit was already 45 mph in that area.

Commissioner Vanderbeck asked if the amended language would affect modular units at all public schools within the County's jurisdiction. Mr. Megginson replied that was correct, but noted that most of those units were within the town's jurisdiction, not the County's.

Commissioner Vanderbeck stated then potentially they would be crafting language that would go against the double setback which was done for schools but not for other high intensity areas, such as day care centers; that he understood that this was being done to get them out of the current situation, but he had a problem with the safety issue; that this would get the school out of trouble and back into compliance; that he would like a further reduction in speed in that area; and, that it would be a great expense to move the modular units. Commissioner Vanderbeck said for those reasons, he was still not satisfied with the safety aspects and could not vote in favor of the text amendment.

Commissioner Lucier stated the speed limit from 7:30 AM to 8:30 AM and 2:30 PM and 3:30 PM was in fact 25 mph in that area, and perhaps it would be helpful if the Sheriff's Department would park a car there a couple of times a week to deter speed. He stated that after a few tickets were issued, word would get out. Col. Totten stated that area was very congested from about 2:15 PM until about 3:30 PM, and traffic had to move at a crawl due to cars turning into the school site to pick up students. He said the worst times for speeding would be from about 8:30 AM until about 2:00 PM.

Chairman Thompson stated they had to do what was reasonable, and there was a clear answer; that the situation was temporary in that in the next couple of years, the issue would disappear with the construction of the new school; that safety was the foremost issue; that the school's insurance carrier had no grave reservations; and, that the school system had done everything possible to achieve a level of safety for the students. Chairman Thompson said he believed the committee looking at the Zoning Ordinance would be looking at this as well, but at this point it was reasonable, in his mind, to accept Mr. Megginson's recommendations and avoid spending \$87,000 in taxpayers' money to move the units.

Commissioner Lucier moved, seconded by Commissioner Barnes, to approve the recommendation by the Planning Department to allow the standard setbacks to apply to only public schools (not private) and to modular classrooms (not site built structures) and not high intensity areas such as playgrounds and parking areas. The revised language is worded as follows:

“Public schools - with a minimum lot area of three acres provided that buildings, structures and high intensity activity areas shall be set back a minimum of two times the minimum yard requirement of the district in which it is located. Modular classrooms designed to accommodate overcrowding are allowed to meet the standard setbacks for the zoning district.”

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

Chairman Thompson stated there were two Memorandums of Understanding that he believed could be dealt with quickly and suggested hearing those items next, and then hearing the Resolution Concerning Reclassification of the Watershed Area for the Pittsboro Water Plant Intake Area.

#### **MEMORANDUM OF UNDERSTANDING (SILER CITY)**

David Hughes, Public Works Director, stated that Siler City needed water and the County's water line system was under construction; and, the object of the MOU was to speed up construction of that western transmission line in order to allow the transmission line to carry water, up to 1 mgd, from Sanford to Siler City, with Siler City absorbing the cost of that.

Chairman Thompson asked the estimated time of completions. Mr. Hughes responded the middle of December.

Commissioner Lucier confirmed there was no cost to the County, and that connecting to Siler City would be more efficient. He asked if that affected anything else with the western transmission line in terms of when other citizens would get served. Mr. Hughes stated it would delay some service on Highway #902.

Commissioner Barnes asked if this would affect the contracts they currently had with Siler City and Sanford. Mr. Hughes said the contract with Sanford had expired, but they were taking about 300,000 gallons per day at this time, and that Sanford had struck a separate agreement with Siler City to provide this water, so that was separate from the 300,000 gallons the County was getting. He stated they could also get a little more from the plant if they needed it, noting the use in the northeast area had dropped significantly so there was some excess capacity in the plant at the present time.

Commissioner Cross stated that because the media was present, he would like to request a favor. He stated he was in Siler City last week and had been told that the County was doing nothing to help Siler City. He requested that the media write something favorable about what the

County was doing to cooperate and help Siler City; and, about County Manager Charlie Horne's efforts to allow Siler City to take water from Jordan Lake.

Commissioner Barnes moved, seconded by Commissioner Lucier, moved to approve the Memorandum of Understanding between Chatham County and Siler City regarding accelerating construction of the western transmission project such that Siler City can get Chatham County and/or Sanford water to relieve the drought-related strain on the Siler City system. The motion carried five (5) to zero (0). The Memorandum of Understanding is attached hereto and by reference made a part hereof.

#### **MEMORANDUM OF UNDERSTANDING: TARPO**

The County Manager stated this MOU was for the Triangle Area Rural Planning Organization, and Commissioner Vanderbeck was a part of that process and may have more details.

Commissioner Vanderbeck stated in general it would be amending the bylaws to allow for alternates, with Commissioner Cross being the alternate for the County and Tim Cunnup the first alternate for municipalities; and, that it set limits that if parties did not appear at two consecutive meetings that they could be removed temporarily so that it did not affect the quorum, then be reinstated once they did appear.

Commissioner Lucier stated he supported the MOU, but suggested a revision in Section I where it mentioned the participating municipalities, in that the participating municipalities should be named.

Commissioner Vanderbeck moved, seconded by Commissioner Lucier, to approve the Amended Memorandum of Understanding for Cooperative Comprehensive and Continuing Transportation Planning and the Establishment of a Rural Planning Organization with noted amendment to include the stated municipalities of Siler City, Pittsboro, and Goldston. The motion carried five (5) to zero (0). The Memorandum of Understanding is attached hereto and by reference made a part hereof.

#### **RESOLUTION CONCERNING RECLASSIFICATION OF THE WATERSHED AREA FOR THE PITTSBORO WATER PLANT INTAKE AREA**

County Manager, Charlie Horne, stated that this resolution would in effect be putting on paper what the County had put in place in 1994. He stated it had already been reclassified, but the State needed to see the resolution.

Commissioner Vanderbeck asked if the new intake relocated about ten years ago. Mr. Megginson stated that at the time they were working on the new Watershed regulations, they had known that Pittsboro would be changing their intake location downstream of the dam to upstream of the dam.

Commissioner Vanderbeck stated there were a number of stakeholders involved in this, and would like to wait a couple of weeks before acting on it; that there was the current hydroelectric plant located there; that there was a move to clean up the river; that there were people who would like to see the dam removed; and another two weeks would allow for comment from some of the stakeholders.

Commissioner Cross moved, seconded by Commissioner Barnes, to approve the **Resolution Concerning Reclassification of the Watershed Area for the Pittsboro Water Plant Intake Area.**

Commissioner Lucier stated in general his point of view was, if a Commissioner wanted to delay something that did not carry a critical time element, that he would support that Commissioner.

Jeffrey Starkweather stated he had just received a call from a member of the Environmental Review Board who had wanted to comment on this issue, but had believed it would be addressed later in the meeting so was not present. Mr. Starkweather requested the Board delay a decision until that Board member could arrive.

Commissioner Vanderbeck asked if delaying action probably would change anything. Chairman Thompson said it appeared there were other interested parties that may want to provide some input that would be pertinent to the Board's decision, and a delay would provide opportunity for that input.

Commissioner Cross withdrew his motion.

Chairman Thompson stated that the item would be delayed and revisited at the next Board of Commissioners' meeting.

## **MEETING DATES**

### **Capital Improvements Plan Work Session:**

Chairman Thompson stated that the Board needed to set a schedule for CIP discussion as well as a date for the January summit. He asked if December 17, 2007 would be appropriate.

Commissioner Lucier stated that December 17 was not a date that was regularly scheduled, but the Board had discussed having a separate work session on that date for the CIP.

The Commissioners briefly discussed starting times for that meeting, the purpose of the December 3 regularly scheduled meeting, and the possibility of holding that meeting on December 10 with December 17 as a back-up, and the work loads of staff to get ready for those meetings.

Commissioner Lucier moved, seconded by Commissioner Cross, to meet as regularly scheduled on December 03, 2007 and to have the Capital Improvements Plan Work Session on December 17, 2007 to begin at 9:00 AM in the classroom of the Henry H. Dunlap, Jr. Building. The motion carried five (5) to zero (0).

### **Summit Dates**

The Commissioners discussed various dates for the January summit, with input from the County Manager.

By consensus, the Board set January 16 and 17, 2008 and reserved ½ day on January 18, 2008, if needed, for their summit work sessions.

## **NON-PROFIT ALLOCATIONS PROCESS**

- Multiplier Effect Form
- Revised Certification Criteria
- Non-Profit Funding Priorities
- Non-Profit Volunteer Application

Renee Paschal, Assistant County Manager, stated that they were working to put the non-profit applications on-line to provide for more efficiency. She stated there were several issues on which staff needed direction:

- They had been asked to conduct a survey of potential volunteers to determine if they were available for evening presentations for the evaluations; they were proposing putting a line on the application form for volunteers to state their availability, and then scheduling the evaluations based on those responses; and, that would result in day and evening presentations, both for staff and for the volunteers.
- They wanted to put the funding priorities for non-profits in front of the Commissioners early for evaluation. She recommended spending some time refining the priorities and identifying a number, for instance no more than ten, to be targeted for new programs; and, that the process be simplified with continuing agencies.

Commissioner Lucier stated there were about twenty priorities listed previously, and suggested identifying those that could be lumped together since some were very similar. He stated that would produce a number that was more manageable. Ms. Paschal said they would try to do that.

Ms. Paschal said she believed they had a consensus about the continuation programs, and that was that they were simplifying the process and putting the applications together now. She stated the new issues for review were:

- She recommended a very minor change in the certification criteria, which would require that the agency show three years of budget data and that the agency show them a balanced budget.

Commissioner Lucier moved, seconded by Commissioner Vanderbeck, to approve the Revised Certification Criteria as amended, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Ms. Paschal stated the final issue was that last year the Commissioners had asked that they include as one of the priorities a multiplier effect, so an addendum was made to the application that tried to capture the effect on the local economy that an agency had, which was helpful information. She stated that had to be either included or not included on the application form, and ask what the Board wanted to do.

Commissioner Lucier asked if there was a way to simplify that on the form, and wondered if it would work to list other grants or funds applied for to be listed on the form, with a sentence about how they were related to the current proposal. He stated he was concerned that with the multiplier effect that different groups or agencies would use different approaches to get there, which would impact the meaning for the review committee and for the Board. Ms. Paschal stated then his interest was in the grants. Commissioner Lucier stated his interest was in other grants or funding they may receive and how that was related to their current project or projects, if at all.

Commissioner Vanderbeck stated the multiplier effect was still important; that what they were giving back to the County was not always reflected; and, perhaps some of the agencies should be asked to weigh in on this if time permitted. He stated this was for the benefit of everyone, and the agencies stood to gain on what positive impacts they were making on the County. Ms. Paschal said they would immediately do that.

Chairman Thompson said the groups should be mindful that if this was one factor in consideration of funding as to what kind of funding they would be bringing into the County, but that there had to be some accounting for a new organization, or an organization in existence for only a year or two and had not had the time to make the connection to bring in more money. Ms. Paschal stated that would be taken into consideration.

Commissioner Lucier stated then perhaps for a new organization requesting funding they should be asked to indicate what other funds they were applying for and how they believed those funds would be leveraged throughout the County. He stated the review group could then take that into account. Ms. Paschal said that would be opposed to the accounting requested from existing groups, that is, the actual funds they had brought into the County.

Chairman Thompson stated he believed that was correct.

Commissioner Lucier stated that the funds new organizations were in the process of applying for would be relevant, even though they may not yet have received them. Ms. Paschal clarified that for existing agencies they wanted to know what funding they had brought into the County, but for new agencies what funds they were applying for. Commissioner Lucier said yes, but for existing agencies it was important to know what funding they were applying for as well, and that was not a hard thing for them to supply.

Chairman Thompson stated given the comments made, he believed there was a consensus on how to continue.

### **WESTERN WAKE WASTEWATER PROJECT**

Commissioner Barnes stated everyone was aware of some of the friction in the past between the “state” of Cary and the County of Chatham, which came down to Cary’s ability to annex at will; that this issue was responsible for him running for election on this Board; that up

to about six months ago, the County was at the mercy of Cary; that they had been meeting for several years with Cary to attempt to stop this; and, that those meetings had not been fruitful.

Commissioner Barnes stated 1½ years ago, it was “leaked” that Cary wanted to build a sewer plant at New Hill; that Commissioner Cross, a Wake County Commissioner, and he were invited to attend a meeting for residents of New Hill to discuss the new sewer plant; that those residents of that area had been blindsided by the proposal even though it had been in the works for about six years; that neither he nor Commissioner Cross knew anything about the proposal, and Mr. Horne knew very little; and, that the four towns that made up the Western Wake Regional Wastewater Facilities Project were Morrisville, Cary, Apex and Holly Springs.

Commissioner Barnes stated after the meeting, he had asked the Corp of Engineers for a map showing the lines coming into New Hill, and had assumed there had to be a discharge line; that the Corp of Engineers had told him that as a Commissioner, he should know all of that; that it seemed no one in Chatham County knew anything about the plant; that the Corp sent the map and he and Bill Sommers had initiated the interest to trying to determine what was going on; Commissioner Cross had worked on it prior to three of the Commissioners being elected; and, that they had felt that there was going to be sewer plant whether Chatham County liked it or not.

Commissioner Barnes said when they received the map, it showed the discharge line running from New Hill, across Chatham County to Buckhorn Dam; that he and Mr. Sommers had began working on that by contacting the Corp and asking for any record that Chatham County had granted permission for the line to cross the County, and there was none; that the Corp again told him that as a Commissioner he should know all that; that Mr. Sommers then talked to Lea Goodwin who was the head of the project for Western Wake and asked who had given them permission to come across Chatham County, and the reply was no one had and they were just going to do it; and, that Mr. Sommers asked that Ms. Goodwin send the County a letter to that effect, and she did.

Commissioner Barnes stated the County then hired a full-time County Attorney, Kevin Whiteheart, who had been asked to try to come up with something the County could use to help fight this. In the meantime, he stated, the Corp was going to have a scoping meeting leading up to a project delivery team to discuss the process and educate everyone about it. Commissioner Barnes said the scoping meeting was to be held by the four Western Wake partners, the NC DENR, and the Division of Water Quality, but Chatham County had not been invited; and that because it was a public meeting, he had persisted that Chatham be invited, and eventually they were.

Commissioner Barnes stated in the meantime, Mr. Whiteheart had come up with an answer, and it appeared that Governor Mike Easley had pushed a resolution through the General Assembly in July of 2005 stating that no municipality could use the power of Eminent Domain to cross its neighbors’ property, and that was a result of a fiasco that had taken place in Connecticut several years ago where a municipality condemned and took private property for a shopping center, causing repercussions throughout the country. Commissioner Barnes stated when Mr. Whiteheart had shown that to him, they had gone to the next meeting, which was the start of the project delivery team; that when he had asked that Chatham County be included that Commissioner Lucier had volunteered, and had attended with David Hughes, Kevin Whiteheart, Bill Sommers and himself; that they informed the Corp of that State Statute and quite frankly they were shocked, because they had assumed that Western Wake had permission from Chatham to cross the county line; and, that the Corp then informed the partners.

Commissioner Barnes stated that at that moment, Henry Wicker with the Corp stated that Chatham County was not a partner, but they were now definitely players, and became official members of the project; that the group had met once a month for the last six months, and what had been accomplished this Board could have done in a day; that the group was discussing the procedure for the sewer plant and the associated concerns; that New Hill had a very, very, very strong grassroots effort to fight this, and they had been persistent to the point of being a pain to the Corp and to Cary; that the meetings had been lengthy over the past six months and basically Chatham representatives had not said much, because the Statute clearly stated that Cary could not use the power of Eminent Domain to cross Chatham County unless the Chatham County Board of Commissioners gave that permission, which they were not about to do; that finally at the last meeting a discussion came up about the discharge line; that there were approximately 40 to 50

people from various organizations and groups present, including the State, the Corp of Engineers, planners, engineers, and the four towns; and, that Chatham County had basically been ignored.

Commissioner Barnes said at that last meeting, after having been quiet for six months, he and Commissioner Lucier had stated that the line would not come across Chatham County without the permission of the Board of Commissioners; that the Board had already discussed it and was in total unity that the line would not be approved; that the participants at the meeting appeared to be shocked about that and had had initially been "miffed" about it; that they had then expressed their displeasure, and asked what Chatham County wanted; that the Chatham Board had discussed that several months ago behind the scenes; and, that when he had stated the County's first request, that the out-going Mayor of Cary stated that was blackmail, and his reply was that "all's fair in love and war."

Commissioners Barnes stated that last February, Commissioner Lucier, the County Manager, and he had met with DENR to ask for sewer allocation for Chatham County, and after a short time realized that they were not going to receive anything. He stated that it seemed that there was a funnel allocation for sewer into the Upper Cape Fear of 38 million gallons per day, which was all DENR would give approval for.

Commissioner Barnes stated they had been too late, that Cary had gotten there first with their request and received a permit for 38 million gallons per day, which left Chatham with zero. He stated once Mr. Whiteheart had identified the leverage, his request to Western Wake in return for permission to cross Chatham County would be half of the 38 million gallons per day, which was not well received; that his second request was that there be no further annexation into Chatham County, which was even less well received; and, that his third request was that they get no opposition from Western Wake when Chatham County asked for a larger water allocation out of Chatham's Jordan Lake. Commissioner Barnes said he realized the Corp owned Jordan Lake, but he felt that it belonged to Chatham County. Commissioner Barnes said he had immediately been chastised, in that they said they did not have the power to give Chatham that allocation, but he had told them he was only asking that no opposition be offered when Chatham asked for it.

Commissioner Barnes stated regarding the requested 19 million gallons, Cary offered to and was going to pay for a new study showing that up to 62 mgd could be discharged into the Upper Cape Fear, and his reply was that was fine; that if DENR approved that, 38 from that would leave 24, so when Chatham County received a permit for that 24 mgd, he would stop fighting for half of the 38 mgd. Commissioner Barnes noted that although Cary had said Chatham had never asked for any, he and Mr. Hughes had provided the information proving that they had asked for a wastewater sewer allocation.

Commissioner Barnes stated that group was unhappy at present; that if Cary did not get permission from Chatham to run that line, there would be no Environmental Impact Study on the discharge line, and with no Environmental Impact Study, Cary in effect did not have a permit from the Corp of Engineers for the sewer plant. In other words, he said, if they could not get the discharge line, they could not build the sewer plant.

Commissioner Lucier moved, seconded by Commissioner Vanderbeck, to formally send a letter (with copies to all interested parties including the Army Corps of Engineers) to the Western Wake Water Partners (Cary, Apex, Morrisville, and Holly Springs) that the Board of Commissioners has not approved the discharge line through Chatham County and that the Board objected to the line going through Chatham County.

Commissioner Lucier moved, seconded by Commissioner Cross, to indicate that the Board would like to meet with Holly Springs, Cary, Apex, and Morrisville about negotiating an agreement to potentially allow the line to go through Chatham County.

County Attorney Kevin Whiteheart stated he had prepared a draft letter that stated the Commissioners had not approved the line crossing Chatham County, and he could insert into that draft a request for a meeting.

Commissioner Lucier stated he would agree to that, but still wanted the motions kept separate.



Mr. Whiteheart asked if the letter should state that the Board had not approved the line crossing Chatham County and objected to the crossing. Commissioner Lucier stated both, in that it should say the Board objected to and at this time had not approved the line going through the County.

Commissioner Cross stated he wanted to make sure that the decision to place a sewer plant in New Hill had already been made. He stated he did not want to send the message that Chatham County felt that as long as they got what they wanted, they did not care what the citizens in that area thought.

Commissioner Barnes stated the main thing the project delivery team had been doing over the last six months was eliminating sites, noting they had begun with 23 sites and at the last meeting they were down to three; that the primary site from the very beginning was New Hill; that for all intents and purposes, it was a done deal; however, it had not been formally chosen.

Commissioner Barnes stated the reason for the new plant was because in 2001, the federal government had told Cary that since they were now taking water from Jordan Lake, they could not discharge their wastewater into the Neuse River because of the new entry basin requirements which stated you could not take water out of one basin and discharge into a different one. He stated that in 2001, Cary was given ten years to build a sewer plant and discharge into the Upper Cape Fear and cease discharging into the Neuse River. Commissioner Barnes stated they had only three years left to build the discharge line, and even if they started today they would not meet the deadline; and, that put Chatham in a better position to negotiate.

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

Commissioner Lucier said his second motion was to meet with four partners to negotiate an agreement including concessions with the four partners, Holly Springs, Cary, Apex, and Morrisville, to potentially allow the line to go through Chatham County.

Commissioner Lucier stated it was important to negotiate with all four partners, since Cary had been the primary contact up to this point; that two commissioners from each jurisdiction should participate in a discussion of the issues; and, that should increase Chatham's ability to communicate clearly what Chatham's issues were and increase the likelihood that they could reach a reasonable agreement with the four partners. He suggested setting a meeting for sometime in December, or no later than January.

Commissioner Barnes stated the Town of Cary would have a new Mayor taking office in January, and he had met with that new Mayor's backers for lunch, none of whom were aware of this issue and indicated the new Mayor was not aware of it, either. He stated of the existing Cary Town Council, only two were aware that this was taking place, so he believed there would be a change in attitude and the reception Chatham County received in the future.

Commissioner Lucier stated he believed the new Mayor and others would be seated the first week in January, so perhaps the meeting should be set for after that date.

Commissioner Barnes stated the Corp's position on this was that they could not mediate or become involved, but would like to be present at any meetings; and, that the issue would have to be resolved before the sewer plant discharge line could become reality.

Commissioner Lucier stated it was made clear by Mr. Wicker that the Army Corp of Engineers did not want to be involved in any negotiations of an agreement, but would very much like such an agreement to take place.

Bill Sommers mentioned that in terms of the timing of the letter, the Corps scheduled review would end in December, and then they would begin public hearings. So, he said, the sooner the letter could be sent, the better.

Commissioner Lucier suggested that the letter crafted by Mr. Whiteheart be formerly approved at the November 19, 2007 Board meeting and then sent to the partners, and it should arrive before the next project meeting.

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

### **BREAK**

The Chairman called for a short break.

### **HABITAT FOR HUMANITY**

Amy Powell, Chatham Habitat for Humanity Executive Director, provided some background information on the Affordable Housing Task Force's discussions on utilizing affordable housing funds paid by Briar Chapel to the County to purchase land and install infrastructure. She stated that a first step was taken earlier this year when five acres of land was purchased in Pittsboro and donated to Habitat to produce affordable housing that would remain affordable; that the Task Force had discussed the importance of strengthening Habitat neighborhoods by introducing a mixed income aspect to them; that Habitat's design for the five acres was to divide it into fifteen lots, build on seven of the lots, and sell eight lots to a private builder or builders; that they would utilize a MOU with the builder or builders to ensure that the homes were built according to Habitat's quality standards; and, that the builder or builders shared Habitat's vision for community development, and that they included long-term affordability restrictions when the homes were sold to persons at 80% of the median income level, which in turn would introduce that mixed income aspect.

Ms. Powell stated their current contract with the County regarding the development of each property was that they may not sell the property to a for-profit corporation; that in order to proceed with their plan they were requesting that the Board amend the contract with Habitat to allow them to sell the property to a builder or builders that shared their vision for affordability; and, that the proceeds of the sale be used to offset the cost of infrastructure for the remaining Habitat lots.

Commissioner Vanderbeck stated that would definitely help the success of the project because they would be serving not only the people on the lower income scale but introducing a somewhat mixed income group was well. He suggested inserting language in paragraph 3 to include "with the approval of Chatham County." Commissioner Vanderbeck stated that the County had purchased the property with County funds, and then deeded the property to Habitat. He said he wanted a clear understanding that if there were any profits captured in the sale of the land, that it be given back to the County to be used for infrastructure or the purchase of more property, and that it be kept track of. He asked the County Attorney if there was any change in the contract needed to realize that.

Mr. Whiteheart stated that language could be added to achieve that objective, and stated that the statute was written in such a way that any profits that Habitat received by conveying that land to a for-profit developer would go back into Habitat's operating budget. He stated it could be specified that those profits be utilized for infrastructure for this neighborhood only, and language could be added to the contract to make that implied trust more clear.

Commissioner Vanderbeck stated he believed it should be earmarked for infrastructure or any other such improvements to that property to make it the best project that it could be. Ms. Powell stated that it was possible that Habitat would be installing infrastructure before the lots were sold to a for-profit developer, so it would offset the costs but would not directly pay for the infrastructure. She said it would be reimbursing Habitat for its expense.

Commissioner Cross stated that if they were going to allow this, then it should be restricted to future infrastructure for the larger area in which they were trying to create a larger subdivision. Ms. Powell agreed, noting it was their hope to have future acquisitions in the same area. She said the Briar Chapel funds were intended to be used to pay for infrastructure, and if there was a need to use it for something else then they would make a specific request to this Board.

Commissioner Vanderbeck moved to add the language "*with the approval of Chatham County*" to Item #3 of the contract.

Mr. Whiteheart read what he recommended should be the amended language for paragraph 3: "With the approval of Chatham County, Habitat may convey the land to a "for profit" corporation or entity to develop affordable housing, provided the corporation or entity is in the business of building or enabling "affordable housing" or sells to "low and moderate income" buyers. Habitat shall use, reinvest or use as an offset the proceeds from sales of the land to a for-profit developer back into Habitat's program for additional affordable housing activities on the Leach property."

Commissioner Cross stated he believed the "Leach property" should be left out.

Commissioner Lucier suggested it read "affordable housing activities in that area" rather than "on the Leach property."

Commissioner Cross stated they did not yet know if they would be able to buy additional property in the area, which was why he had suggested leaving "Leach property" out of the language.

Commissioner Vanderbeck asked if Commissioner Cross would agree to having it read "affordable housing activities in Pittsboro." He stated that since this was about the Leach property contract, they should at least keep it in Pittsboro.

Commissioner Cross stated he did not think they should pick an agent, Habitat, and then tie their hands. He said Habitat would not do anything with the money that was not brought before this Board if it was the least bit out of the normal.

Chairman Thompson stated the idea then was to allow Habitat to fulfill its mission, and as long as the Leach property was developed the way it should be, then the money could be used elsewhere.

Commissioner Cross stated the funds were supposed to be used for low-income housing in Chatham County, and that was all. He said everything else was immaterial to the money that came in for Habitat to administer.

Commissioner Barnes said the key word there was Chatham.

Chairman Thompson asked was he amending the motion to take out "on the Leach property." Commissioner Cross stated that was correct.

Chairman Thompson stated that as long as Habitat was using the funds to fulfill its mission, then that was acceptable.

Commissioner Vanderbeck reiterated that he thought this was about the Leach property contract, and asked Ms. Powell if she felt this was tying Habitat's hands. Ms. Powell said no, that if they needed it for something other than the Leach property they would come back and ask.

Commissioner Vanderbeck agreed to the removal of the language "on the Leach property" from the motion.

Commissioner Cross seconded the motion with the amendment to delete the part about the "Pittsboro/Leach" property.

### **HISTORIC HOUSE MOVING**

Patrick Steele, representing Westmore Properties in Pittsboro, stated that the property had been in his family since the 1700's; that it was his father's great-grandfather's originally and had eventually been passed down to him; that they were working on a mixed-use development that had been approved and annexed into the Town of Pittsboro; and, that they were waiting for sewer allocations.

Mr. Steele stated that the thesis and genesis for their project was for a historic neighborhood that would emulate old Pittsboro; that there were two old houses, the St. Mark's house and the Taylor house, both of which were on properties that were unique to vacate for the new judicial building; that their plan was to move both of those houses onto their property; and,

these two houses would be the first two prominent houses on their property. He then explained where the two houses would be placed and why.

Mr. Steele explained that their property consisted of 96 acres, with 26 acres of open space, and the project would include walking trails, fishing, canoeing and kayaking, a town center, a butterfly garden, and a central park. He stated the project was just off of US Highway #64, and would be constructed as an old mill village; that the town center would include an art gallery, a post office just for the village, a restaurant with a high-end menu, and some live/work units leading up a meeting house.

Mr. Steele displayed various maps and photos of the development, pointing out that the wooden boardwalk shown on the plans was the original plank road from Pittsboro to Salisbury, and was the only wooden road in the State. He pointed out where the two homes to be moved would be placed and how they would be used. Mr. Steele stated that a focus group had participated in the planning process, and one issue that kept coming up was community gardens to tie in with the community college's sustainable art and agricultural program. He then explained how those gardens would be laid out, and provided some additional information regarding the plans for the development.

Commissioner Vanderbeck stated that there were three old buildings on that property, and asked why only two were being moved. Mr. Steele stated that the cost of moving the small cottage house was not viable. Commissioner Vanderbeck asked if it was possible to deconstruct it and use the material for authentic recycling. Mr. Steele stated he could bring that up to his partners.

Commissioner Vanderbeck stated he was pleased that these other buildings would find a home, but believed it would be a community service to make use of the third building's materials. Mr. Steele stated the cost of moving the two made it prohibitive to move the third. He stated that small house had some beautiful flooring, and was sure they could make good use of that and perhaps recycle other materials. Mr. Steele added that he had been contacted by several people who may be interested in moving the house and using it as a whole, but he and his partners did not want to be responsible for moving that small cottage.

Commissioner Vanderbeck asked if they were considering using any reuse water in this project. Mr. Steele stated that Pittsboro was working on either upgrading its current plant or building a new one, and they had discussed that any development approved would have to have a pipe for reuse water, and they had already agreed to provide that. He added that he was also working with Karen Hall of NC State University on the western boundary, which contained a wetland but was actually a very dry upland stream that went down into some boggy wetlands. Mr. Steele said they were talking with Ms. Hall about creating a conservation easement and using the site as a wetland learning botanical garden, to include a boardwalk with plaques so that the public and people from the community college could visit the area and learn about wetlands.

Commissioner Vanderbeck stated they had a couple of specialty wetland nurseries in Chatham County and hoped Mr. Steele would make use of them. Mr. Steele stated they would certainly consider them first.

Mr. Steele stated that they were ready to go with their plans, and wanted to know what the County would require of them in order to lock down those plans and move the houses.

Mr. Whiteheart stated the Board would need to declare the property as surplus to the needs of the County, and then an agreement would need to be put into place allowing them to move the buildings and setting forth certain things such as whose obligation it would be to make sure all prerequisites to moving the houses had been met, including the lifting of power lines or other issues. Mr. Steele stated it would be their responsibility to meet all the prerequisites to moving the houses and accepted the expense of that.

The County Manager stated there were statute requirements that had to be met as well, and they would make sure those were abided by.

Chairman Thompson asked if any public notice was required. Mr. Whiteheart stated that public notice would need to be given declaring the houses as surplus, so there was a time

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.

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George Lucier, Vice Chairman

ATTEST:

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