

**MINUTES**  
**CHATHAM COUNTY BOARD OF COMMISSIONERS**  
**REGULAR MEETING**  
**DECEMBER 03, 2007**

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The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met in the District Courtroom, 12 East Street, located in Pittsboro, North Carolina, at 6:00 PM on December 03, 2007.

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

Absent: Chairman Carl Thompson

**INVOCATION AND PLEDGE OF ALLEGIANCE**

Commissioner Cross delivered the invocation after which the County Attorney invited everyone to recite the Pledge of Allegiance.

**CALL TO ORDER**

The meeting was called to order by the County Attorney at 6:02 PM.

**ORGANIZATION OF THE BOARD**

***Chairman:***

The County Attorney, Kevin Whiteheart, presided over the organization of the Board. He opened the floor for nominations for Chairman of the Chatham County Board of Commissioners.

Commissioner Barnes nominated Commissioner Lucier for Chairman of the Chatham County Board of Commissioners. Commissioner Cross seconded the motion.

Hearing no other nominations, the presiding officer called for a vote for Commissioner Lucier as Chairman of the Chatham County Board of Commissioners. The motion carried four (4) to zero (0)

***Vice Chairman:***

The County Attorney opened the floor for nominations for the Vice Chairman of the Chatham County Board of Commissioners.

Commissioner Barnes nominated Commissioner Cross for the office of Vice Chair of the Chatham County Board of Commissioners. Chairman Lucier seconded the motion.

Hearing no other nominations, the Chairman called for a vote for Commissioner Cross as Vice Chair of the Chatham County Board of Commissioners. The motion carried four (4) to zero (0).

Chairman Lucier thanked the Board, noting it was an honor to be elected Chair. He said he would do his best to serve Chatham County in the coming year, and that he had learned a lot from the other members and particularly from Commissioner Thompson during his chairmanship this past year. Chairman Lucier stated that Commissioner Thompson would soon be joining the Board, noting his surgery had gone well and he was recovering. He said Commissioner Thompson was on medical leave until January, but he may attend the December 17 work session on the capital improvements program. Chairman Lucier said the Board looked forward to having Commissioner Thompson back soon.

Commissioner Cross thanked his fellow Commissioners for their vote of confidence, and that he looked forward to serving as Vice Chair.

### **APPOINTMENT OF CLERK TO THE BOARD**

Chairman Lucier stated it had become customary to reappoint the Clerk to the Chatham County Board of Commissioners each year, and it was a pleasure to do so because everyone knew they would be in dire trouble if Ms. Sublett decided to leave them.

Commissioner Barnes recommended that the appointment of the Clerk to the Board be carried out every two years rather than annually. There was no objection from the Board.

Commissioner Barnes moved, seconded by Commissioner Cross, to reappoint Sandra B. Sublett as Clerk to the Chatham County Board of Commissioners. The motion carried four (4) to zero (0).

Ms. Sublett thanked the Board for its vote of confidence.

### **AGENDA AND CONSENT AGENDA**

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

Chairman Lucier requested the following changes:

- Appointment of Martin A. Spritzer to the Human Relations Committee as a full Board appointment be added to the Consent Agenda
- Appointment of Lillian Plummer to the Nursing Home Advisory Committee by Chairman Lucier be added to the Consent Agenda
- Appointment of Tracy Beard to the Solid Waste Advisory Committee by Commissioner Barnes be added to the Consent Agenda.
- Approval of Fiscal Year 2007-2008 Budget Amendments be removed from the Consent Agenda and placed on the Regular Agenda for discussion

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

1. **Minutes:** Consideration of a request for approval of Board Minutes for regular meeting held November 19, 2007 and Work Session held November 19, 2007

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

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

American Dream Lane

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

3. **Purchase of Eleven Vehicles for the Sheriff's Office:** Consideration of a request to authorize the purchase of eleven vehicles from Alpertron Dodge on State contract #070B in the amount of \$233,167.00

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

4. **Purchase of Five Vehicles for the Central Permitting Office:** Consideration of a request to authorize the purchase of five vehicles from Bobby Murray Chevrolet on State contract #070G in the amount of \$99,500.00

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

5. **Appearance Commission Appointment:** Consideration of a request to appoint Caroline Siverson, Pittsboro, NC, to the Chatham County Appearance Commission by Commissioner Barnes

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

6. **Chatham Outreach Alliance (CORA), Inc. Lease:** Consideration of a request to approve a lease with Chatham Outreach Alliance (CORA), Inc., attached hereto and by reference made a part hereof.

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

7. **Adult Advisory Committee/Criminal Justice Partnership Board and Juvenile Crime Prevention Council Appointments:** Consideration of a request to appoint members of the Adult Advisory Committee/Criminal Justice Partnership Board and Juvenile Crime Prevention Council, list attached hereto and by reference made a part hereof.

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

8. **Human Relations Commission Appointments:** Consideration of a request to reappoint Ivan Remits, Pittsboro, NC, and appoint Martin A. Spritzer, Pittsboro, NC, to the Human Relations Commission by the full Board

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

9. **Affordable Housing Task Force Appointments:** Consideration of a request to appoint seven members to the Affordable Housing Task Force as follows:

Katy McReynolds, Bryson Powell, Bill Leroy, Sharon LaPalme, Delcinia Turner, Jeffrey Starkweather, Jacquy Carey

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

10. ~~**Fiscal Year 2007-2008 Budget Amendments:** Consideration of a request to approve Fiscal Year 2007-2008 Budget Amendments~~

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

11. **Probation Offices Lease:** Consideration of a request to approve concept to lease new space for probation offices in Siler City

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

12. **Nursing Home Advisory Committee Appointment:** Consideration of a request to appoint Lillian Plummer, Pittsboro, NC to the Nursing Home Advisory Committee by Chairman Lucier

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

13. **Solid Waste Advisory Committee Appointment:** Consideration of a request to appoint Tracy Beard, Pittsboro, NC, to the Solid Waste Advisory Committee by Commissioner Barnes

### **PUBLIC INPUT SESSION**

**Jim Vanderbeck**, 111 Greg Trimnel Lane, Pittsboro, NC, stated that he took issue with Mt. Olive Church Road being named a major corridor. He said that he could sit for quite a long time in a chair on that road and never have to move; that obviously things could change over time and they could say any road in Chatham County may become a major corridor; that it seemed to him that this street was just swept up in the need to regulate major thoroughfares for future development; and, that it was only about 4 miles long and 1/3 of it was in Alamance County.

Mr. Vanderbeck stated more critically, as an overlay to the rezoning of that area as well as some others, that there could be a propensity for restrictiveness for harvesting his trees on his farm; that as a result of the major corridor possibility, some laws would change; that it was important on the front end to try to influence that; and, that given the RA-40, he did not believe it had too much of an impact, but the door was wide only as to what might be the impact of major corridor legislation.

Mr. Vanderbeck stated that his trees were his 401k, his retirement, so they were very important to he and his wife; that his land may also be part of that retirement; that he had cut and replaced over the last ten years close to 3,000 trees; that he managed it aggressively because it was a very important asset to him; that there had been talk in government offices about the number of trees he would be required to leave as well as a certain size diameter and height; that while he knew none of that was concrete, it was beginning to feel like "socialized agriculture"; and, that he questioned whether the same would be done with row crops in that corridor, or if it was focused totally on forestry.

Mr. Vanderbeck stated if you threatened the retirement security of your constituents, you would find opposition; that there were not a lot of people who grew trees, so he represented only a miniscule part of those constituents; but, he felt threatened by the possibilities to the retirement for his wife and himself.

Chairman Lucier stated that Mt. Olive Church Road was not a designated major corridor; that the area between Old Highway #87 and new Highway #87 was zoned RA-40; that on Route 87, 1,500 feet on either side of that had been temporarily assigned major corridor status, but Mt. Olive Church Road had not; that only the area between Old Highway #87 and new Highway #87 had been zoned RA-40 to protect the value of the property; that large residential developments would be going in there; and, with that there was great opportunity for misuse of various kinds of businesses that one might not want there.

Chairman Lucier stated that Mt. Olive Church Road was not zoned a major corridor. Planning Director Keith Megginson stated the new map covered everything east of Highway #87 with a 1,500 foot setback. Chairman Lucier stated it was zoned RA-40, and it would not be subject to the major corridor ordinance or the 1,500 foot setback when they got those recommendations.

Mr. Megginson said what Mr. Vanderbeck was referring to was the stream buffers that would be up for public hearing next week that contained a provision about cutting trees within a certain distance of a creek.

Chairman Lucier stated then Mr. Vanderbeck should have said that; what he had said was that he was here to talk about the corridor zoning along Mr. Olive Church Road, and that was what he had responded to.

Commissioner Vanderbeck said it was his understanding that the 1,500 buffer came in from new Highway #87, not from Old Highway #87; that that was a catchment area between Old Graham Road and Mt. Olive Church Road and Highway #87.

Chairman Lucier said everyone in Chatham County who had property zoned RA-40 would be subject to the same restrictions, as would he and many others. He said he did not believe the information given by Mr. Vanderbeck was entirely correct.

Allison Weakley, Environmental Review Board Chair, stated that the riparian buffer recommendations currently before the Commissioners (Section 304 of the Watershed Protection Ordinance) exempt forestry activities as long as Best Management Practices (BMPs) are used; and that the only way Mr. Vanderbeck's property would be subject to the recommended buffers would be if he were developing his property.

Chairman Lucier said that was correct, so Mr. Vanderbeck's property was not affected in any substantial way. He thanked Mr. Vanderbeck for bringing the issue to the Board's attention so that he could get the information he needed.

## **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 19<sup>th</sup> 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 17<sup>th</sup> 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 1/10<sup>th</sup> 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

that side of the creek, which was actually The Estates Subdivision. He said it would include a pedestrian trail through the same location.

Commissioner Vanderbeck stated that sounded like Mr. Robinson was saying it was contingent on something else, and asked for an explanation. Mr. Robinson stated there were a number of issues being negotiated at this time with the school system in connection to their property that adjoined this property, and that it included a proposal to treat the wastewater from the high school at the wastewater treatment plant from the subdivision and a proposal to spray some treated affluent at the school site.

Commissioner Vanderbeck asked was that in addition to what the school had sent. Mr. Robinson said yes, noting they were discussing terms. Commissioner Vanderbeck stated he just wanted everyone to hear and understand that.

Mr. Robinson stated some other items under negotiation were the positioning of the trails, noting they both wanted them at Jack Bennett Road and at the emergency access cul-de-sac on The Estates side; and, the widening of the school's right-of-way. He said if they finalized the terms of the agreement, they would agree to provide the school system with 20 flexible feet of right-of-way on either side of that 60-foot access.

Commissioner Vanderbeck stated then what the Board would be giving the developer would be a change in the utility right-of-way. Mr. Robinson said that was correct, noting there was a dedicated easement shown on the plat that was put across some of the property the developer now owned in order to allow enough room for a piping system to pipe wastewater from the high school back up to North Chatham School and subsequently to the Governor's Club. He said if an agreement was reached regarding the wastewater being treated by this developer, then that easement would become moot. Mr. Robinson said what the developer was negotiating for was elimination of that once the right to treat the wastewater at the Westfall Treatment Plant was secured.

Chairman Lucier stated it appeared that other issues had arisen since the meeting with the school board, and many of those issues were in a dynamic process so they were not shown on the plat. He stated there was some issue regarding stormwater.

Commissioner Barnes stated he had received some emails this past week regarding parts of Corbin Creek being moved to avoid stormwater structures, but did not know what the situation was. He asked Ms. Weakley to speak to that.

Allison Weakley, Environmental Review Board Chair, stated she had received the same email, and it appeared there may be some question about where the existing channel of Corbin Creek was; and, that there was a concern that there had been stakes placed within an area that was a current channel and that it was being dammed up and thereby was diverting the water into another channel further away from the stormwater features and the silt fencing along Herndon Creek. She said she believed that was something that should be looked into.

Ms. Weakley said it was her understanding that there had been little or no technical staff review of the streams on site, and their relative importance to the stormwater features along Herndon Creek; that the intermittent stream that was non-jurisdictional that was just discussed basically exited into a sediment basin that was receiving groundwater flow; and, that she was concerned about the stormwater features, and believed it was prudent to have Fred Royal who had considerable stormwater experience look into that as well as the existing channels in Herndon Creek so they could be sure that what was being platted was indeed what was on the ground.

Ms. Weakley requested that final technical staff review be completed before final plat approval was considered.

Commissioner Vanderbeck moved, seconded by Commissioner Barnes, to table this item until the next regularly scheduled Board of Commissioners' meeting to be held on January 07, 2008, to allow time for the Environmental Review Director and the Environmental Review Board Chair to be able to check out the streams and stormwater issues particularly the Herndon Creek area. The motion carried four (4) to zero (0).

Chairman Lucier thanked Mr. Robinson for the work on the two issues discussed earlier, as well as the willingness to work with the school board to come up with an acceptable right-of-way, entrances, and other things.

### **MANAGER' S REPORTS**

The County Manager had no reports.

### **COMMISSIONERS' REPORTS**

#### **Old Moncure Fire Department Building:**

Commissioner Cross stated that the Old Moncure Fire Department building had been sold to an automobile restorer and collector; that he had bought the property based on tax records and other official records; that he had established his residence as well as his business in the building; and, after he had moved in, he had found out that the front part of the one-acre of land was zoned Commercial Conditional Use which did not allow for residential in that area. Commissioner Cross said there was not enough land left behind the building to build a home if he wanted to, and he was asking that this one-acre lot be rezoned to RA-40.

Commissioner Cross said the person had gone through all the procedures a reasonable person would go through before purchasing the property, including the tax records and appraisal records. He said he had talked with Mr. Megginson and there did not appear to be any reasoning as to why it was zoned CCU to begin with; and, the house next door was zoned commercial and the lot on the other side of that one was zoned residential.

Commissioner Cross moved to hold a public hearing on rezoning Parcel #62655 to RA-40, located on Old US Highway #1 in Moncure.

Commissioner Cross moved to hold a public hearing on an amendment to the Chatham County ordinance on what is allowed in commercially zoned areas.

Commissioner Cross stated that with their compact communities effort and very possibly their commercial efforts, they should encourage "mom and pop" businesses and other local businesses to have residential arrangements either on upper floors or attached in some manner to foster more business.

Chairman Lucier agreed they clearly needed to do something to help that citizen, and asked the Planning Director to comment. Mr. Megginson stated he had talked with Commissioner Cross early about the situation, and that both public hearings could take place along with the map amendments and the text amendments. Chairman Lucier asked if he saw any particular difficulties with these, such as things they needed to be on the look out for. He said he tended to agree they needed to be able to offer some flexibility, but a public hearing was needed to see how citizens felt about it.

Commissioner Cross stated obviously they needed the public hearings; that as an example he had been to the firehouse many times for meetings and knew the center portion used to be a meeting room, and there was also a kitchen and bedroom for emergency services personnel; and, the citizen in question had not been at his location very long, but was already well-thought-of in the community.

Commissioner Barnes seconded both motions.

Chairman Lucier stated the first public hearing was straightforward, in that it was a request for a rezoning and they should move forward with that at the next public hearing date. He asked what that date might be. The County Manager responded it was January 22, 2008.

Commissioner Cross asked that the public hearings be held on Tuesday, January 22, 2008; and, he amended his motion to include that any fees be waived that might have been charged to the owner with regard to holding the public hearing.

Mr. Megginson noted that if the Board initiated the public hearing, then there was no fee charged to the citizen.

Chairman Lucier stated the second issue was more complex, and believed it should be addressed in the context of the Major Corridor Study, because they were going to want to encourage mixed-use developments. He said that would allow that Task Force to weigh-in on the discussions.

Commissioner Cross stated that this citizen had been dealing with this since January 2006. Mr. Megginson suggested that the Board also include the two properties just east of this one, since one had a residence in the back of the commercial use. Commissioner Cross agreed.

Chairman Lucier stated the owners of those two pieces of property needed to be contacted and asked what their preferences were.

The Chairman called the question. The motion carried four (4) to zero (0). He stated that the Board may also add to that some additional properties, to be firmed up at either one of their December Board meetings or their January 07, 2008 Board of Commissioners' meeting.

Chairman Lucier stated he believed they should postpone allowing residences in areas such as upstairs of commercial properties until more people had a chance to weigh-in on it.

Commissioner Cross suggested passing it on to the Major Corridor Task Force for comment.

Chairman Lucier agreed, adding that Planning staff should begin looking into it to see what other options might be used as part of the plan to encourage mixed use development and commercial activity in the appropriate areas.

Sally Kost, Planning Board Member, stated it was more than just the major corridors, noting this particular property was not in a major corridor.

Chairman Lucier stated that was correct, which was why he had suggested the Planning staff be involved as well, since the Major Corridor Task Force would look at it specifically regarding their nodes and the Planning staff would look at it County-wide. He stated the Planning Board might want to weigh-in on it as well. Ms. Kost agreed, noting it could possibly be brought up at its meeting tomorrow.

Commissioner Cross withdrew his second motion.

**Resolution Honoring the Service of Chris Walker:**

Commissioner Lucier stated the Board had a draft resolution before it for consideration regarding the services of Planning Board member Chris Walker, noting tomorrow would be his last meeting with that Board. He commented that he and Mr. Walker had both been rookies on the Planning Board at the same time.

Chairman Lucier read the resolution in its entirety, which honored the service of Chris Walker on the Chatham County Planning Board.

Commissioner Barnes moved, seconded by Commissioner Vanderbeck to adopt **Resolution #2007-46 Honoring the Service of Chris Walker**, attached hereto and by reference made a part hereof. The motion carried four (4) to zero (0).

Chairman Lucier stated that the Planning Board meeting would be held beginning at 6:00 PM in the Agricultural Building Auditorium.

**Extension of Comments Period on Draft Jordan Lake Master Plan:**

Commissioner Lucier asked Ms. Weakley if she had received anything regarding the extension of comments period on the draft Jordan Lake Master Plan.

Allison Weakley, Environmental Review Board Chair, distributed to the Board a recommendation from the Environmental Review Board that the Board might want to entertain. She stated that the Army Corps of Engineers was seeking input from federal, State, local governments, and the public related to recreational development, natural resource conservation,

and cultural resource protection within the Jordan Lake project area; that the thirty-day comment period began November 15, 2007 and would end December 15, 2007; that the comment period was advertised in the *Herald Sun* on November 12, 2007 just three days before a scheduled Listening Session to receive public input held by the Corps in Moncure; that clearly that notification was inadequate to draw meaningful comments from the public; and, that given the importance of the Jordan Lake Master Plan relative to Chatham County's future, the ERB was recommending that the Board of Commissioners request an extension of the comment period to January 15, 2008, to allow the County adequate time to review and comment. Ms. Weakley also commented that the URL for the Draft Master Plan, which was 188 pages, and the Map Portfolio, which was 32 pages, could be accessed at <http://www.saw.usace.army.mil/jordan/index/htm>.

Chairman Lucier stated there were two things needed: one was a motion to request that the comment period be extended from December 15, 2007 to January 15, 2008; and the second was that since the County practically surrounded Jordan Lake, it may make sense to form a subcommittee with two to three members from the Recreational Advisory Board and the ERB to provide some comments on behalf of the County, to be reviewed by the Commissioners before transmission to the Army Corps of Engineers.

Ms. Weakley stated that seemed like a reasonable approach, but she was a little concerned about the time constraints given the holidays and the 188 pages of material to be reviewed.

Commissioner Vanderbeck moved, seconded by Commissioner Cross, to request an extension of the comment period to January 15, 2008 (30 day extension) on the Draft Jordan Lake Master Plan to allow the County adequate time to review and comment and to form a subcommittee with the Recreation Advisory Committee and Environmental Review Board in order to gather more comments from the County regarding this matter. The motion carried four (4) to zero (0).

Chairman Lucier suggested sending a letter to the Army Corps of Engineers, and asked the County Manager to contact Tracy Burnett, Recreation Director, and have her contact Allison Weakley and Fred Royal to discuss forming the subcommittee. He stated that he believed two to three members from each group would be adequate, and that they could then submit something to the Commissioners for review since there may not be time to go back and forth to the full advisory boards. The County Manager suggested a deadline for comment from the subcommittee of January 7, 2008. Chairman Lucier stated that sounded reasonable.

#### **Green Building Task Force Audit:**

Chairman Lucier stated that the Green Building Task Force had sent him a proposal to conduct an energy audit of public buildings including schools in Chatham County; that they had referenced several ways to do that; and, that he had responded to the Task Force with a suggestion that they take this up at the Board's work session on January 7, 2008, to provide time to review the information. There was no objection from the Board.

#### **Glenclyff Hospital:**

Chairman Lucier stated he had also received a proposal from Tom Glendinning who wished to make use of the Siler City Hospital which would be vacated in the not too distant future. He stated Mr. Glendinning would like to turn that facility into a mental hospital; that Mr. Glendinning would have to accomplish several things in order to do that, including getting a Certificate of Need among other things; that Mr. Glendinning was asking the Board for a letter of support that he could use in his applications; that the hospital would be a private non-profit management corporation; and, that Mr. Glendinning was also asking for some assistance sometime in the future with grant writing, funding, and grants.

Chairman Lucier said that Mr. Glendinning's letter stated that the facility may employ approximately fifty (50) people during its first years of operation, which was not a small number, and those jobs would be well-paying jobs; and, that something could perhaps be worked out with the community college regarding training for those jobs. Chairman Lucier suggested that the Board draft a letter of support that Mr. Glendinning could use as needed; to encourage him to

approach the Siler City Board if he had not done so; and, to encourage him to continue his discussions with the EDC.

Commissioner Cross asked if Mr. Glendinning had given any idea about the amount of startup funding.

Chairman Lucier stated he believed they would have to deal with that as a secondary issue and that it go through the normal budge process.

Commissioner Vanderbeck stated there may be funds needed for a feasibility study.

**ISP:**

Commissioner Lucier stated there was an ISP letter regarding an incentive package that had been previously approved. County Attorney Kevin Whiteheart stated that ISP had sometime in 2006 been granted \$525,000 for economic incentives for a mining operation in the ETJ of Siler City; that since that time, ISP had not moved forward with the permitting process with the State nor paid the \$500,000 application fee; that there had been a hearing in April of 2007 regarding a lawsuit as a result of the rezoning on the ISP potential property; that at that rezoning hearing, the attorneys for ISP indicated that ISP had abandoned the project in Siler City; and, that based on all of those factors, it had been presented to the Board and it was the Board's determination to have him write a letter to ISP informing them that the incentive package had been terminated due to ISP's unilateral withdrawal from the agreement.

Mr. Whiteheart stated the letter had been sent on November 7<sup>th</sup> and he had not yet received a response. He stated that given those factors, this issue was likely now a closed door.

Chairman Lucier asked if the letter sent to ISP was a matter of public record. Mr. Whiteheart stated yes, and would be happy to provide a copy if requested. He stated there was also the issue of the Closed Session minutes, noting that since the letter had already been sent, it would be appropriate to release the minutes to public record.

By consensus, the Board agreed to release the November 3, 2007 ISP Closed Session Minutes.

**Western Wake Regional Management Wastewater Facilities Project:**

Chairman Lucier stated there had been a meeting of the Western Wake Regional Management Wastewater Facilities Project, but not much was accomplished. He stated that the group continued to move forward on the assumption that they would run eight miles of a transmission line to the Buckhorn Dam from what would be the wastewater treatment plant in New Hill through Chatham County. He stated another meeting would be held the third week of January between that group and its partners on perhaps negotiating out an agreement. Chairman Lucier stated that meeting would be with Cary, Morrisville, Apex, and Holly Springs, adding that Chatham County was sort of a "semi-partner" but not considered a "real" partner.

Mr. Whiteheart stated the letter had gone out to all the Mayors and Managers of those four local governments, but the County had not yet received a response on its request to meet with them the third week of January.

Commissioner Barnes asked if everyone was up to speed on what that project would entail. There was general agreement among the Board.

Chairman Lucier stated the County would be meeting with Cary either just before or right after that January meeting to discuss the Land Use Plan and other land use issues.

**ADJOURNMENT**

Commissioner Vanderbeck moved, seconded by Commissioner Barnes, to adjourn the regular meeting. The motion carried four (4) to zero (0), and the meeting was adjourned at 7:13 PM.

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George Lucier, Chairman

ATTEST:

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