

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
AUGUST 21, 2006

The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met in the Superior Courtroom, 1 Hillsboro Street, located in Pittsboro, North Carolina, at 6:00 PM on August 21, 2006.

Present: Chairman Bunkey Morgan; Vice Chair, Tommy Emerson; Commissioners Patrick Barnes, Mike Cross, and Carl Outz; County Manager, Charlie Horne; County Attorney, Robert L. Gunn; Finance Officer, Vicki McConnell; and Clerk to the Board, Sandra B. Sublett

PLEDGE OF ALLEGIANCE AND INVOCATION

Chairman Morgan invited everyone present to stand and recite the Pledge of Allegiance after which Commissioner Emerson delivered the invocation.

- The meeting was called to order by the Chairman at 6:05 PM.

AGENDA AND CONSENT AGENDA

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

- Chairman Morgan informed citizens of the following:

Item #20, Consideration of a request by Jeff Goodwin by Attorney Cindy Perry to rezone 4.03 acres of property located on Martha’s Chapel Road (SR#1752) to Conditional Use District B-1 Business for a boat, camper, and RV storage facility, New Hope Township has been moved to the September 18, 2006 Board of Commissioners’ meeting.

Item #21, Consideration of a request by Jeff Goodwin by Attorney Cindy Perry to rezone 4.03 acres of property located on Martha’s Chapel Road (SR #1752) for a Conditional Use District Permit for a boat, camper, an RV storage facility, New Hope Township has been moved to the September 18, 2006 Board of Commissioners’ meeting.

Item #18, Consideration of a request by Gordon and Vivian W. Parker and Timothy Richard and Christy W. Brown for a zoning district change from Heavy Industrial (H-Industrial) to RA-40, on 25 acres, located off SR #1916 Corinth Road, Cape Fear Township was acted upon and unanimously approved during the afternoon Work Session.

Item #19, Consideration of a request by Warren D. Mitchell for a revision to an existing Conditional Use Permit for a mini-warehouse storage facility to include a stand alone office with accessory apartment and to add an additional commercial driveway entrance off SR #1719, Vickers Road, on property, 5.43 acres, located at the intersection of US Highway #15-501 North and SR #1719, Vickers Road, Williams Township was acted upon and unanimously approved during the

afternoon Work Session.

The August 07, 2006 minutes of the Southeast Chatham Water District minutes were unanimously approved during the afternoon Work Session.

Item #22, Consideration of a request to appoint a member by the full Board to the Piedmont Conservation Council was deferred until a later date.

Commissioner Emerson moved, seconded by Commissioner Outz, to approve the Agenda and Consent Agenda with the noted requests:

1. **Minutes:** Consideration of a request for approval of Board Minutes for regular meeting held August 07, 2006 and work session held August 07, 2006 minutes

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

2. **Road Names:** Consideration of a request from citizens to approve the naming of private roads in Chatham County as follows:

- A. Lowe Hill Lane
- B. White Oak Beach Road

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

3. **Budget Amendments:** Consideration of a request to approve fiscal Year 2006-2007 Budget Amendments, attached hereto and by reference made a part hereof.

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

4. **Microsoft Enterprise Agreement:** Consideration of a request to approve Microsoft Enterprise Agreement Contract, attached hereto and by reference made a part hereof.

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

5. **Addition of RMS/Jail System to Positron Public Safety Systems Corp:** Consideration of a request to add the RMS/Jail System to the contract awarded to Positron Public Safety Corp for the CAD (Computer Aided Dispatch) at the November 07, 2005 Board of Commissioners' meeting

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

6. **Resolution to Acquire Real Property:** Consideration of a request to adopt **Resolution #2006-44 to Acquire Real Property** (by entering into a financing agreement that provides for a conveyance by OPC of the real property to a trustee of the bank as security for a loan in the amount of \$421,000.00)

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

7. **Final Plat Review of "Cedar Grove, Phase IV":** Consideration of a request by MAC Development Company for subdivision final plat review of "Cedar Grove, Phase IV", Lots 18 and 24 – 28, consisting of 6 lots on 25 acres, located off SR-#1540, Jones Ferry Road and Cedar Grove Road, Baldwin Township

As per the Planning Department and Planning Board recommendation, final plat approval of "Cedar Grove, Phase IV" was granted as submitted.

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

8. **Final Plat Review of “Hickory Downs”:** Consideration of a request by Richard E. Fox for subdivision final plat review of “Hickory Downs”, consisting of 41 lots on 167 acres, located off SR #1506, Bowers Store Road, Hickory Mountain Township

As per the Planning Department and Planning Board recommendation, final plat approval of “Hickory Downs” was granted as submitted with the following condition:

1. The final plat shall not be recorded until staff has received the certification letter from NCDOT regarding roadway construction or a financial guarantee is approved covering such improvements.

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

9. **Sketch, Preliminary, and Final Subdivision Approval of “Property of Robert Nelson Wall”:** Consideration of a request by Nelson Wall for a variance from Section 6.4.C.1 of the Chatham County Subdivision Regulations and for sketch, preliminary, and final subdivision approval of “Property of Robert Nelson Wall and wife, Janice C. Wall, consisting of 2 lots on 1.61 acres, located off SR #1783, Willow Way, Baldwin Township

As per the Planning Department and Planning Board recommendation, approval of the variance request and sketch, preliminary, and final approval of the plat was granted as submitted with the following condition:

1. Prior to recordation of the final plat, a septic easement document shall be recorded in the Chatham County Office of the Register of Deeds.

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

10. **Subdivision Sketch Design Review of “Crescent Hill”:** Consideration of a request by Polk Sullivan, LLC for subdivision sketch design review of “Crescent Hill”, consisting of 2 lots on 10.5 acres, located off Old Graham Road, SR #1520, Hadley Township

As per the Planning Department and Planning Board recommendation, sketch design approval of “Crescent Hill” was granted as submitted.

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

11. **Subdivision Sketch Design Approval of “Shively Tract”:** Consideration of a request by Community Properties for subdivision sketch design review of “Shively Tract”, consisting of 12 lots on 68 acres, located off Old Graham Road, SR #1520, Hadley Township

As per the Planning Department and Planning Board recommendation, sketch design approval of “Shively Tract” was granted as submitted.

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

END OF CONSENT AGENDA

PLANNING AND ZONING

Amendment to the Chatham County Zoning Ordinance: Consideration of a request by

William Jeffrey House for an amendment to the Chatham County Zoning Ordinance, Section 15.5 (B) (1) to change the acreage requirement for Public and Private Recreation Camps and Grounds from a minimum lot area of 20 acres to a minimum lot area of ten acres

This item was postponed at the applicant's request until the September 18, 2006 Board of Commissioners' meeting.

Zoning District Change from Heavy Industrial to RA-40: Consideration of a request by Gordon and Vivian W. Parker and Timothy Richard and Christy W. Brown for a zoning district change from Heavy Industrial (H-Industrial) to RA-40, on 25 acres, located off SR #1916 Corinth Road, Cape Fear Township

This item was acted upon and unanimously approved during the afternoon Work Session.

Revision to Existing Conditional Use Permit for Mini-Warehouse Storage Facility: Consideration of a request by Warren D. Mitchell for a revision to an existing Conditional Use Permit for a mini-warehouse storage facility to include a stand alone office with accessory apartment and to add an additional commercial driveway entrance off SR #1719, Vickers Road, on property, 5.43 acres, located at the intersection of US #15-501 North and SR #1719, Vickers Road, Williams Township

This item was acted upon and unanimously approved during the afternoon Work Session.

Rezoning of Property to Conditional Use District B-1: Consideration of a request by Jeff Goodwin by Attorney Cindy Perry to rezone 4.03 acres of property located on Martha's Chapel Road (SR #1752) to Conditional Use District B-1 Business for a boat, camper, and RV storage facility, New Hope Township

This item was postponed at the applicant's request until the September 18, 2006 Board of Commissioners' meeting.

Rezoning of Property to Conditional Use Permit: Consideration of a request by Jeff Goodwin by Attorney Cindy Perry to rezone 4.03 acres of property located on Martha's Chapel Road (SR #1752) for a Conditional Use District Permit for a boat, camper and RV storage facility, New Hope Township

This item was postponed at the applicant's request until the September 18, 2006 Board of Commissioners' meeting.

BOARDS AND COMMITTEES

Piedmont Conservation Council: Consideration of a request to appoint a member by the full Board to the Piedmont Conservation Council

This item was discussed in the afternoon Work Session and deferred until a later date.

PUBLIC INPUT SESSION

Larry Ballas, 139 Indian Creek Lane, Apex, NC, stated that he had not seen an economic development plan for Chatham County. He asked why the Board of Commissioners had not gotten together with university economic development departments; that he wondered why when developments come in, that economic development land is not set aside; that he was disappointed to hear about the County Manager's contract; that contracts need to be discussed; and that the water contract with Harnett County should be put on hold.

Cynthia Crossen, 1116 Marshall Road, Pittsboro, NC, asked that the sound system be made so that everyone in the audience can hear everything that is going on and that the slide/power point presentation be situated so that it can be seen by the audience.

BOARD OF COMMISSIONERS MATTERS

Presentation by Allison Weakley and Kristen Sinclair: Consideration of a presentation on the Inventory of Natural Areas and Wildlife Habitats of Chatham County, the importance of the Inventory in County, regional, and state-wide natural resource planning, and conservation options that could protect some of these areas at the County level by Allison Weakley and Kristen Sinclair

Allison Weakley and Kristen Sinclair presented a power point presentation on the Inventory of Natural Areas and Wildlife Habitats of Chatham County, the importance of the Inventory in county, regional, and state-wide natural resource planning and conservation options that could protect some of these areas at the County level.

Allison Weakley stated that she works as a consultant biologist. She introduced her colleague, Kristen Sinclair, also a biologist with the NC Natural Heritage Program and manager of the county inventories of natural areas for the State.

Kristen Sinclair stated that the NC National Heritage program mission is to collect and consolidate information on the various and most outstanding elements about the environment in order to make it available to decision-makers for their use; that the inventory of natural areas and wildlife habitats in Chatham County was one of the first conducted; that almost eighty of one hundred counties have had inventories done; that the main result of the inventory are identification of significant natural heritage areas; and that there are 56 SNHA in Chatham County.

Allison Weakley stated that the inventory discusses all those things specific to Chatham County; that many aquatic species in the rivers in Chatham occur nowhere else in the world; that there are four mountain-like structures in Chatham; that steep ravines and bluffs sport unique plant species; that white pines are in habitats along the Deep and Rocky River; that all three major rivers support mussels not found elsewhere and the Cape Fear Shiner; that aquatic species are indicators of water health; that eight sites along the Haw River have been identified and some permanently protected; that seven sites have been designated along the Rocky River; that another category is sites with unusual soil chemistry or texture; that soils are characterized by pH level; that another category is major wildlife areas; that Jordan Lake is the richest wildlife area in the County; that the inventory is the backbone for several local, regional, and state-wide conservation plans; and that NC EEP Local Watershed Plans should be critical considerations in future development in Chatham; that current plans and ordinances allow for some environmental assessments and stream buffers.

Kristen Sinclair stated that one conservation tool is for governments to allocate funds for open space acquisitions; that there are two state trust funds that will help augment cost associated with acquisition; that private landowners can designate conservation easements, management agreements, and mutual covenants between adjoining landowners; and that partnerships and planning can enhance quality of life and all its elements in Chatham County.

Public Hearings:

Public Hearing To Realign the County's Minority Participation Goal: Public hearing to receive public comments on the consideration to realign the County's minority participation goal of 15% for formal building construction with the State's 10% requirement

Loyse Hurley, 16 Matchwood, Pittsboro, NC, President of CCEC, stated this would negatively impact the minority population; that changing the participation percentage goal from the current 15%

down to 10% for formal building construction is a bad idea; that the proposal states that the reason for doing so is to align the goal with the State's current 10%; that on January 22, 1990, Chatham County adopted a formal goal of 15% for minority participation in construction projects; that at that time, the State required only 10%; that this has been lived with for women, African-Americans, and Hispanics for almost twenty years; that the County has lived with these requirements being more favorable to the minority populations than that of the State; that during that time, there has not been any formal building construction; that Chatham is now embarking on some formal building construction projects including the judicial facility, the Central Carolina Community College, and a new library; that the County now has the opportunity to implement the sixteen-year goal; that there is now a pressing need to reduce the participation level for these construction projects; that the stated reasons for this change are: 1) We would be responsible for the distribution of the forms reflecting our goal. Yet, these forms are easily available on-line and procedures for their distribution would not be difficult. 2) The participation goal is a required verifiable percentage. This should be part of our ordinary record keeping procedures. County government should always be able to prove and support its decisions on hiring. 3) The County will have to be responsible for tracking, reporting, and accuracy. This should be done no matter what the percentage is. 4) The State now has five-year old reporting requirements. These reporting requirements can be done electronically.

She stated that these reasons do not appear to be sufficient ones to justify lowering of standards; that just because there are now some construction projects that would require meeting this 15% goal, the County suddenly proposes lowering its standards. She asked why should minorities be abused, when for the first time, the County has the opportunity to assist them in gainful employment.

Carl Thompson, 67 Thompson Street, Bear Creek, NC, stated that he was here to advocate that the County maintain the 15% participation goal; that there is not sufficient reason to change; that there has been no formal bidding in the last sixteen years; and that this is the time that this segment of the population can benefit the most.

Liz Cullington, 390 Rock Hills, Pittsboro, NC, stated that she supports what Carl Thompson stated previously; that a 10% is not applicable here; and that employees could be considered as well.

Public Hearing on Amended Noise Control Ordinance: Public hearing to receive public comments on adoption of proposed Noise Control Ordinance*

***The Ordinance will require two readings unless the Board approves the ordinance unanimously on the first reading. In the event of the need for a second reading, the proposed ordinance will appear on the September 18, 2006 Board of Commissioners' meeting agenda.**

Jeffrey Starkweather, PO Box 217, Pittsboro, NC, stated that he has litigated cases on noise; that the proposal provides a subjective standard; that the enforcement needs to be objective; that the standard of unreasonably loud is subjective; that the bass boom sound is the problem; that this is not addressed in the proposal ordinance; and that he requests a task force be established to examine this issue.

Ron Johnson, 116 Cypress Street, Greensboro, NC, stated he is a regular patron at Shakori Hills; that there are not a bunch of freaky people attending events there; and that the people that are there are normal and are there to share the music.

Bill Pixley, 111 Cypress Street, Greensboro, NC, stated that the language is minimalist and needs to be amended; that Shakori Hills is a family event; and that the idea of a task force is a good idea.

Molly Matlock, PO Box 362, Bynum, NC, stated that she is a volunteer that helps coordinate the Shakori Hills Friday night music series; that it gives people a chance to gather in a safe place and to build a tight-knit community; that she is concerned about the section that music requires a permit; that North Carolina has been named by the United States Government as one of the top ten in the State for cultural

and heritage tourism; and that the North Carolina Triangle rates number six among the top fifty American cities for the most creative people.

Linda Douglas, 1079 Henderson Tanyard Road, Pittsboro, NC, stated that she is a neighbor of Shakori Hills; that this is not about music; that this is not an issue of trying to keep anyone from having a good time; that it is an issue of being continued all hours of the day and night; that they are dealing with 296 hours of music that is not good for their community; and that she would like a comfort zone so that this is acceptable to all parties.

Cara O'Connell, 568 Roberson Creek Road, Pittsboro, NC, stated that she is speaking in support of Shakori Hills and is confused that any live group needs a permit; that there are some gray areas in the ordinance; that there may be an overstatement by Ms. Douglas about the impact that Shakori has had on the community; and that she feels that a great deal of thought and consideration should be given to the ordinance before it is passed.

Carol Hewitt, 424 Johnny Burke Road, Pittsboro, NC, stated she volunteers to help with Shakori Hills; that she was unable to see this ordinance until Thursday; that she finds the whole thing murky; that the community should be able to understand it; that a task force is a great idea; that thousands of dollars are spent in Chatham for the festival, and that they need more than 48 hours in advance to get permits in order to book bands and space ahead of time.

Lissa Farrell, 1439 Henderson Tanyard Road, Pittsboro, NC, stated she is an organizer of Shakori Hills; that they do want to work with the community; that live music creates a gathering of people; that it would be a shame to discourage people from enjoying live music;

Jordan Puryear, 1439 Henderson Tanyard Road, Pittsboro, NC, stated that he is also an organizer of Shakori Hills; that he apologizes to all those neighbors that they have affected; and that they are committed to being good neighbors.

Pam Smith, a local twenty-nine year business owner, stated that Shakori is a wonderful thing for the community; that they spend a lot of money in the community; that that they would want to meet with the neighbors; and that we are lucky to have this organization in the community.

An unidentified lady stated that she lives one-half mile from Shakori Hills; that she feels no vibration; that the organization is fabulous for the County; that it is really great for building community; that she doesn't hear the music at all on Friday nights; and that this organization is genuinely doing wonderful things for the community.

Captain Roy Allen stated that the proposed Noise Ordinance was developed because of the problem with the noise. He stated that there were many different types of noise; that he wants to apply the Noise Ordinance fairly and impartially for all the citizens of Chatham County.

The Chairman closed the public hearing.

After considerable discussion, Commissioner Emerson moved to adopt the Noise Ordinance. The motion died for lack of a second.

After further discussion, Commissioner Barnes moved to table the matter until September 18, 2006. Commissioner Cross seconded the motion. The motion carried five (5) to zero (0).

BREAK

The Chairman called for a short break.

Public Hearing on Redistricting: Public hearing to receive public comments concerning the

question of whether to redefine the districts from which the members of the Board of County commissioners are elected to make them more nearly equal

Dr. Tom Wagner, stated he was the mediator of the redistricting committee; that they had five guidelines for their tasks; that this was no easy task; that they considered at least sixteen different maps; and that the decision on the proposed map was unanimous.

Loyse Hurley, 16 Matchwood, Pittsboro, NC, stated that she is speaking as a private citizen and Chatham Citizens for Effective Communities (CCEC). She stated that the proposed map has some deficiencies that others will address; that such a serious proposed redistricting process usually takes months of work whereas the committee actually spent less than three hours of meetings in preparing their map; that it utilizes population figures that are out of date; that it is a far cry from the constitutional requirement of "one person one vote" and should be rejected on those grounds alone; and that while they claim to have reviewed some sixteen maps and decided on this flawed one, there are other ways to redistrict and still meet the stated objectives. She presented a map which she stated accomplished the same goals and provides fewer complications. She stated that the map was produced using the redistricting computer system of the NC General Assembly; that she is not claiming that it solves all problems, but it is used tonight as an example of another way, among many, to accomplish the stated goals; that this map is better for the following reasons: 1) This map allows Commissioner Barnes his freedom of choice. Should he chose to run for reelection in 2008, he may do so, since Commissioner – elect Lucier and Commissioner Barnes would not reside in the same district. 2) Should Mr. Ernst win his election in November, his term would expire at the same time as Commissioner Thompson's and the two could run against each other in the normal political process. 3) It does not leave any one district unrepresented for two years. 4) This example has the populations approximately equal, based upon the 2000 census. Each district has slightly under 10,000 people. 5) This example map maintains the integrity of our towns. She stated that when one redistricts based upon population figures alone, it is difficult to consider precinct problems such as split precincts and several ballots in the same precinct; that the proposed map only splits these polling places further, since different ballots would be required for the Commissioners' race also; that multiple ballots for the Commissioners race, the decision of which voter gets which ballot based upon which address, will result in mass confusion for both poll works and the voters alike; that it also can result in election challenges of any results; that these problems cannot be easily resolved; that this example is no better nor is it any worse than the proposed map; that the proposed map has not had sufficient study to prevent all the problems it causes; that she wonders why a vote must be done now to implement a map in 2008 so close to its becoming obsolete with the 2010 census; that their basic Constitutional rights are involved and the citizens of Chatham County deserve a more thorough study and something better than this hastily put-together proposed map.

Bob Eby, 19 East Madison, Pittsboro, NC, stated that this subject is terrible for its timing, its process, and its results. He questioned why they waited until now to do so stating that there were no members on the committee from the northeast part of the County; that the committee could have used more up to date numbers than the 2000 census; that it is interesting that the one commissioner that has spoken out against growth may have his re-election compromised; and that he urges them not to adopt this awful map.

Larry Ballas, 139 Indian Creek, Apex, NC, stated we would get through this hearing if there were not applause after every speaker; that this map does not look good at first glance; that we need to make sure there is good representation along the eastern border of the County; that the infusion of people will be sizeable; and that it makes sense to wait until the next census is completed to redistrict.

Karl Kachergis, 1417 Morris Road, Pittsboro, NC, stated that he sat in on the committee; that none were mapmakers; that they were all in favor of voting by district; that if this must be done; that it needs to be studied for a longer time and by a larger committee.

Beth Kricker, 224 Buteo Ridge, Pittsboro, NC, stated that outgoing commissioners should operate in a holding pattern; that it is expected that outgoing officials should not introduce no new

legislation that will disrupt citizens; and that it appears that the outgoing officials are trying to come back in through a back door.

Karl Ernst, 211 Red oak Drive, Siler City, NC, stated that the population is changing with the northeast part of the County growing; that we may see smaller districts in the eastern part of the County; that this is not set in stone; and that citizens should be given an opportunity to vote on this issue.

Tom Vanderbeck, 8180 Old Graham Road, Pittsboro, NC, stated that he is troubled by the argument that the current districts are undemocratic because they are not more equal in population; that under the current voting structure, each Chatham voter has one vote for each of the five commissioners; that one person, one vote, or, more accurately and even better, one person, five votes; that there is nothing to improve through redistricting; that the current districts fully comply with the law of the land and there is no conceivable future change in the County's demographics that will through that out of kilter; that a major benefit of the current residency district structure is that during the primaries and the general election, the voters of the entire County get to choose the best candidates from among people who may understand first-hand the problems of their own area, but who also must demonstrate a deep understanding of the best interest of the entire County; that he believes that the current district lines have served the County well in that way; that he is concerned that the proposed redistricting will dilute that important benefit; that in his successful race in May, he was able to debate County-wide issues with a candidate who claimed residency in the town limits of Siler City and those debates attracted wide attention; that giving Siler City and Pittsboro their own separate single commissioner districts will, he fears, only feed the monster of regionalism in the County; that he is troubled by the process; that the whole exercise was designed to punish Commissioner Barnes; and that the district lines should not be changed.

John Graybeal, 3396 Alston Chapel Road, Pittsboro, NC, stated that this scheme is to get Chairman Morgan back in office; that it would be easy to draw more equal districts without combining two commissioners into the same district as the proposed map does; that it would be easy to draw new, more equal districts whose boundaries "follow roads and streams" without drawing a "safe district" for Chairman Morgan; that as many others have pointed out, the district voting system will hurt, no help, the election chances of minorities; that African-American support for this scheme is inexplicable; that the present voting system provides quite adequately for the representation of local interests; that Chairman Morgan and his teammates can only accomplish part of this plan by themselves; that acting alone, the Board of Commissioners can't require district voting; that for that, a referendum is required; that that should be rejected because the plan makes no sense because of Chatham's current position as a county threatened unevenly by development pressures; that Chatham needs commissioners with a long view who will deal with the threat to eastern Chatham but will not be blind to the threat to western Chatham that lies down the road; that commissioners holding only narrow district interests cannot be expected to deal effectively with this two-pronged threat; that the Board is taking plainly political steps that are not in the best interest of Chatham County or its citizens; that they are attempting to nail down long-term, expensive contracts hoping to prevent the new Board from dislodging them, depleting County funds, and committing the County to huge obligations, thereby attempting to impose upon successor Boards the burden of raising taxes; and that he urged the departing Commissioners to honor their exit by acting in the best interests of the public.

Louis Whitehead, 903 Sedgefield Drive, Siler City, NC, stated that we need to be fair to all residents of Chatham County; that we need to follow State law; and that we need to make sure our residents have equal representation.

Sally Kost, 1101 New Hope Church Road, Apex, NC, thanked Mark Barroso for bringing a good microphone to the meeting. She stated that she opposes the timing of drawing the map and the process followed to draw the map; that the map does not allow Commissioner Barnes to run for office in 2008; that there are other flaws with the map; that it was hastily drawn, the precincts are split within districts; that by approving the map with split precinct, the integrity of the election process is being jeopardized; that if Mr. Vanderbeck wins in the November election, District #4 has no commissioner; that by doing

this in the middle of an election cycle, it looks like sour grapes; that by doing it now, there are nearly 10,000 new residents in Chatham since the 2000 census is being used; that drawing new district lines should be done just after the census, not seven years after; that the Democratic Party overwhelmingly supported a resolution stating that this is the wrong time to be considering this action; and that they object to the process due to the following reasons: 1) The make-up of the map drawing committee was extremely limited. 2) The committee completed the work hastily as their report was a one-page limited summary. 3) A process that should have taken months was squeezed into three hours. She stated that the map should be rejected because it is ill-timed, ill-conceived, and ill-done.

Sonny Keisler, 3006 River Forks Road, Sanford, NC, stated that he is representing the Friends of the Rocky River; that they oppose the map; that it is an attempt to disenfranchise newcomers to Chatham County; that it doesn't give a voice to northeast Chatham; that it is undemocratic; that they support redistricting, but ask that the Board wait until 2010.

John Gray, 123 Cub Creek Extension, Chapel Hill, NC, stated that the districts have been researched thoroughly and there is no problem using the 2000 Census; that the issues are politics; and that the districts as they are drawn are appropriate.

George Lucier, 628 Redbud, Pittsboro, NC, stated that the map is nothing more than an attempt to reverse the election in May; that he wants to do what is best for Chatham County; that he wonders why the Board of Commissioners didn't do something about this previously; that District #1 is the highest population on the proposed map; that the map is already way out of date; that this proposal deprives Commissioner Barnes to run for re-election; that this map allows defeated candidates to run again soon; and that this represents politics at its worst.

Elaine Chiosso, 1076 Rock Rest Road, Pittsboro, NC, stated that redistricting does need to be looked at in a careful and democratic way; that she feels her rights as a citizen are being trampled on; and that she urges that the plan be rejected.

Don Lein, 130 Crosswinds, Pittsboro, NC, stated that Bunkey Morgan's name was never mentioned in the process; that the idea was to give the maximum impact to the minority population now and in the future; that he was actively involved when Margaret Pollard was elected; that the larger the area, the more cost involved in running; and that the Board of Commissioners should adopt the districts adopted by a bi-partisan committee.

Beverly Ann D'Aquanni, 856 Fearrington Post, Pittsboro, NC, stated that Chairman Morgan could have initiated this issue months earlier; that the redistricting committee had less than one month to draw the new map; and that minority candidates won eight times in at-large voting.

Margie Ellison, 11538 Highway #902, Bear Creek, NC, stated that she does not trust the committee, process, or map; that it is an attempt to let Chairman Morgan run again in 2008; that the redrawing of maps is to cheat the voters from their ability to choose; that African-American votes will become invisible; that the Board of Commissioners is misleading the public; that old data is being used; and that this plan will not disenfranchise African-American voters.

Mark Teague, 170 Cow Path Crossing, Siler City, NC, stated that the County has been talking about redistricting for ten years; that there is no way to take the politics out of it; and that he appreciates what the Board does but that they do not get enough respect.

Robert Murdoch, 288 Luna Lane, Chapel Hill, NC, stated that he opposes the referendum; that the timing is poor; that the citizens sent a very loud message; that it is clear that this Board does not have the best interest of the citizenry at heart; and that this is only one last attempt at serving the outgoing Commissioners.

Nick Meyer, 988 Booth Hill Road, Chapel Hill, NC, stated that these are unfair districts; that District #1 already has fifty percent more voters than in other districts; that this is a clear violation of the

constitutional principal of one-person one-vote; and that collusion was involved in picking the committee.

Jay Gatlin, 1797 Ed Clapp Road, Siler City, NC, stated that the western side of the County has a different problem; and that they need someone to represent them who will help them with their issues.

Randy Voller, 21 Randolph Court, Pittsboro, NC, stated that he is opposed to this map; that it is not properly representing municipalities; that the 2000 census is not reflective of the population; and that this is also the wrong time to consider this issue.

John Hammond, 848 Langdon, Fearington Post, Pittsboro, NC, stated that the population has increased approx. 27% in a decade; that currently based on this growth, the 2006 estimate is 59,737 and the 2008 estimated population is 63,190; that based on this growth rate, the population by 2010 will have increased by 35%; that most of the uncontrolled growth is in the eastern part of the County; that voter registration data between July 2005 and January 2006 showed that 892 new voters were added to the roles; that the geographic distribution of these voters shows that only 104 were in the western precincts while 788 were in the eastern precincts with the vast majority in the northeast; that for every new voter registered in the west, 7.6 voters registered in the east; that at the present time, current total population of the western precincts in the County is approximately 16,937 and the population of the eastern precincts is approximately 42,376; that if a fair redistricting was done in 2006, each Commissioner district should have 11,947 people to pass the constitution test of one-person one-vote; that as the next 30,000+ people move into the 12,000+ homes approved but not built, there will be an even greater shift in political power and the ratio of Commissioners will go to four Commissioners in the east and one in the west; that the 2010 census will show Chatham County with at least a population 70,000 or about 14,000 per Commissioner district and in the immediate years after 2010 with build-out from the uncontrolled growth approved by the present Board, the population will rise to 100,000 with the vast majority of the growth in the northeast; that this rushed and rigged redistricting effort using substantially out-dated population data is the last gasp of western rural region to keep their excessive representation on the Board of Commissioners; that a few landowners in the east that have sold out and now thousands of new citizens with new values have forever diluted the Board's political power; and that if this politically motivated, rushed, and rigged lame duck redistricting process makes it to the November election, it will fail for simple demographic reasons.

Joyce Cotton, 1221 North Pea Ridge Road, Pittsboro, NC, stated that she is very much in favor of the new districts; that she is a lifelong resident of this County and has studied the map carefully; that she served for sixteen years on the Board of Elections; that it was while she was serving on the Board of Elections that the precinct maps were for the first time based on natural boundaries; that she, along with other board members at the time, drove from one end of the County to the other numerous times; that the districts are grossly outdated; that she is concerned about equal representation to all people in the County; that the country was founded upon the premise of equal representation, the State of North Carolina must follow this principle, and so should Chatham County; that she has also closely followed the arguments that have been put forth concerning diluting minority voting rights; that as she looks at the statistics for the proposed new districts, it is her opinion that the new districts better favor the voting rights of minorities than where they currently have; that there will always be people who argue that the timing is not right no matter what is done when; and therefore, in the interest of equal representation, she urges the Board to vote for the new districts as they are proposed by the committee.

Jerry Markatos, 800 Rock Rest Road, Pittsboro, NC, stated that he is representing the Democratic Party, and that he was in attendance to present a resolution passed by the Chatham County Democratic Party to table the proposed maps. He read the resolution in its entirety.

Kim Cotton, 1136 Sanford Highway, Pittsboro, NC, thanked the Board for the opportunity to speak and bring this issue to the table. She stated that electing commissioners by district would better serve citizens; and that she would like the Board to bring this issue to the voters of the County on how they want to be represented.

Ed King, 118 Baldwin Farm Road, Pittsboro, NC, stated that he supports previous speakers that spoke on demographics; that something this major should not be decided in three hours; that he is supportive of the Democratic Party; and that he opposes this map.

Marti Hipple, 170 TC Justice Road, Pittsboro, NC, stated that her impression was that the map was to be considered, not the integrity of the Commissioners; that sixteen maps were considered; that two Commissioners live in very close proximity; that they tried not to divide the towns; that it was difficult to have Commissioners live in close proximity and be in different districts; that the population is based on the 2000 census; and that the map is not set in stone and can be redrawn after the 2010 census.

Mary Jackson, 625 East 32nd Street, Siler City, NC, stated that she is concerned how this represents itself to the general public as far as what is right and what is fair; and that she questions who will benefit the most.

Nancy Brown, 106 Persimmon Hill, Pittsboro, NC, questioned if the deadline for ballot ordering was midnight. She stated that there is unemployment and underemployment everywhere; and that the map is problematic because there are two Commissioners in the same district; that she thinks this could be challenged in court; and that she doesn't trust the map.

Shannon Plummer, 116 Thrift Street, Pittsboro, NC, stated that he is the chair of the Chatham County Republican Party; that he served on the redistricting committee and considered it an honor; that everyone worked hard on the committee; that technological advances helped the committee look at different options; that this should have happened years ago is not an argument for it not happening now; that the Republican Party is the one that brought up this issue; and that it is at best humorous or at worst it could be labeled a conspiracy theory that Commissioner Morgan was behind the scene pulling the strings.

Ruth Biernoff, 198 Fearington Post, Pittsboro, NC, stated she agrees with Nancy Brown's comments; that this was a disturbing issue; and that it might be best to use all of the citizens' energies to organize and be sure that the vote on November 7th is the way everyone would like it to go.

Ann Drake, 1050 Beaver Dam Road, Chapel Hill, NC, stated that she represents Chatham County Democratic Women; that their group is interested in citizen participation in government; that redistricting is a difficult problem; that it needs public discussion; that the process seems to be a bit rushed; that the Board of Commissioners should have provided a statement with regard to the current problems.

Roy Hipple, 170 TC Justice Road, Pittsboro, NC, stated that the redistricting should have been done in 2000; that he is ashamed that he has just heard many of the previous people advocate that North Carolina State regulations be ignored; that he was especially shocked to hear a commissioner-elect say the same illegal thing; that State law does not say that the number of registered voters be equal; and that it refers to equal population in each district.

Liz Cullington, 390 Rocky Hills Road, Pittsboro, NC, stated that she endorses the statements opposing the proposed maps; that there is no need to redistrict right now; and that two of the people on the redistricting committee had previously run for office unsuccessfully.

Jeffrey Starkweather, 590 Old Goldston Road, Pittsboro, NC, thanked those in attendance who have shown great citizen participation. He stated that respect and courtesy work both ways between citizens and those elected; that the process has been stated pretty well; that he attended three of the meetings; that he didn't think that the staff who were assisting were proficient in redistricting; that he didn't think enough time was spent on the plan with enough Commissioner input; that it has been stated by a number of people incorrectly that the County was required by law to redistrict; that there is a local bill that allows the County to redistrict; that the local bill states that we are voting County-wide; that we are not under the same restrictions of one-man one vote as we would be if the County went to district

voting; that the County is not required to have the exact same thing; that the County redistricted in 1975 and again once since that time; that he feels that redistricting does need to be done, but that the County needs to wait until there is plenty of time to complete a broad process with as many people as possible involved in the process.

Mike Fox, 350 Red Hill Lane, New Hill, NC, stated that there have been a lot of arguments as to why the map is or is not good or why it should or should not be done at this time; that there have been a lot of claims made in the bi-partisan effort; that it really is not a bi-partisan effort; that he during the last four years, there have been eight Commissioner seats up for reelection in the County; that Republicans have only filled two of those seats; and that the County election system should not be turned upside down at the request of a party that can not be bothered to participate.

Rev. Albert S. Williams, 5515 Old Greensboro Road, Chapel Hill, NC, stated that he represents the members of his church; that if the districting remains as it is, the African-American population will be set back thirty years; and that he urged the Board of Commissioners to do what is right.

Thelma Sharon Garbutt, 595 Pokeberry Lane, Pittsboro, NC, stated that points she intended to make were already made tonight; that she questioned why this decision is being rushed; that Thurgood Marshall, Supreme Court Chief Justice, related that some of the most important decisions he made had to do with redistricting; and that she would like the Board of Commissioners to remember that.

Della Turner, 557 Clyde Simpson Road, Gulf, NC, questioned the rush to redistrict. She stated that the votes cast by African-Americans would be affected; that this issue affects all minorities and all others; that this is a moral decision that when done, most likely can not be undone; that enough is enough; that this is a travesty of local government; and that chaos, confusion, and divisiveness abound.

The Chairman closed the public hearing.

Commissioner Barnes moved to recess the meeting and to continue on Tuesday, August 22, 2006.

After considerable discussion, the motion died for lack of a second.

The County Attorney read the redistricting resolution in its entirety.

Commissioner Outz moved, seconded by Commissioner Emerson, to adopt **Resolution #2006-45 to Redefine Commissioner Districts**, attached hereto and by reference made a part hereof. The motion carried three (3) to two (2) with Commissioners Barnes and Cross opposing.

Public Hearing on Altering the Structure of the Board and Method of Election (At-large or by district): Public hearing to receive public comments concerning the question of adoption of a resolution calling for a referendum on whether to alter the structure of the Chatham County Board of Commissioners to provide that each of five Commissioners be nominated and elected by the voters of their district only

The Chairman opened the public hearing and stated that due to the number of people signed up to speak on this issue, the meeting would be recessed and continued on Tuesday, August 22, 2006.

RECESS

Commissioner Emerson moved, seconded by Commissioner Outz, to recess the meeting until Tuesday, August 22, 2006, 6:00 PM in the Superior Courtroom. The motion carried five (5) to zero (0), and the meeting was recessed at 10:37 PM.

Bunkey Morgan, Chairman

ATTEST:

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