

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
OCTOBER 16, 2006

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 October 16, 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; Assistant County Manager, Renee Paschal; 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 Outz delivered the invocation.

- The meeting was called to order by the Chairman at 6:07 PM.

AGENDA AND CONSENT AGENDA

The Chairman informed citizens of the following:

- ◆ Consent Agenda Item #18, Consideration of a request by Mac Development Company for subdivision final approval of “**Cedar Grove, Phase 4A (Lots 19 – 23)**”, consisting of 6 lots on 21 acres, located off Jones Ferry Road, SR #1540, Baldwin Township, was inadvertently listed as six lots on the Agenda by the Planning Department and that it should have been listed as five lots.
- ◆ Minutes of the Chatham County Zoning Board of Adjustment were approved in the afternoon Work Session.
- ◆ Minutes of the Southeast Chatham Water District Board were approved in the afternoon Work Session.
- ◆ Commissioner Barnes asked that his appointment to the Agriculture Advisory Committee be deferred until a later date.
- ◆ Commissioner Emerson asked that his appointment to the Solid Waste Advisory Board be deferred until a later date.
- ◆ The request to approve the agreement with the Pittsboro Swimming Association for use of property during construction of the Social Services Building was granted during the afternoon Work Session.

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

The Chairman asked that Item #19, Consideration of a request by Kevin Hamak, RLA, The John

R. McAdams Company, Inc. on behalf of NNP Briar Chapel LLC for subdivision preliminary approval of “**Briar Chapel, Phase IV, Pods A, B, C. and D (Including Phase 3 ROW)**”, consisting of 323 lots on 152 acres, located off US Highway #15-501, Baldwin Township, be removed from the Consent Agenda and placed on the regular Agenda for discussion.

Hearing no other requests, Commissioner Emerson moved, seconded by Commissioner Barnes, to approve the Agenda and Consent Agenda with the noted request as follows:

1. **Minutes:** Consideration of a request for approval of Board Minutes for regular meeting held October 02, 2006 and work session held October 02, 2006

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

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

- A. Beech Forest Way
- B. Forest Glen Drive
- C. Wilsons Farms Drive

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

3. **Chatham County’s Work First Plan:** Consideration of a request to approve Chatham County’s Work First Plan for 2007-2009, attached hereto and by reference made a part hereof.

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

4. **Funds Acceptance for Health Department:** Consideration of a request to accept funds in the amount of \$2,000.00 for the Chatham County Diabetes Intervention Team

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

5. **Funds Acceptance for Health Department:** Consideration of a request to accept funds in the amount of \$5,658.00 in Family Planning funds awarded to the Health Department from the NC Division of Public Health

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

6. **Funds Acceptance for Health Department:** Consideration of a request to accept funds in the amount of \$622.00 for the Child Fatality Prevention Team

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

7. **Funds Acceptance for the Health Department:** Consideration of a request to accept funds in the amount of \$13,760.00 from AccessCare/Central Carolina Health Network

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

8. **Funds Acceptance for the Health Department:** Consideration of a request to accept funds in the amount of \$500.00 awarded to the Health Department’s Environmental Health Division from the NC Division of Environmental Health

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

9. **Funds Acceptance for the Health Department:** Consideration of a request to accept funds in the amount of \$1,260.00 for Maternal Care Coordination Program for Women Ineligible for Medicaid

The motion carried five (5) to zero (0).
10. **Funds Acceptance for the Health Department:** Consideration of a request to accept funds in the amount of \$10,000.00 awarded to the Health Department from the Physical Activity & Nutrition Branch

The motion carried five (5) to zero (0).
11. **Funds Acceptance for the Health Department:** Consideration of a request to accept funds in the amount of \$11,730.00 to increase the budget for Family Planning Services awarded to the Health Department from the NC Division of Public Health

The motion carried five (5) to zero (0).
12. **Funds Acceptance for the Health Department:** Consideration of a request to accept funds in the amount of \$1,200.00 awarded to the Health Department's Environmental Health Division from the NC Division of Environmental Health

The motion carried five (5) to zero (0).
13. **Funds Acceptance for the Health Department:** Consideration of a request to accept funds in the amount of \$17,500.00 from the Division of Public Health to the Health Department

The motion carried five (5) to zero (0).
14. **Ag Advisory Committee Reappointment:** Consideration of a request to reappoint Mr. Gary Moon, 3665 Moon Lindley Road, Snow Camp, NC, to the Ag Advisory Committee

The motion carried five (5) to zero (0).
15. **Child Fatality Prevention Team Reappointment:** Consideration of a request to reappoint Mr. Clyde Miller, 1680 Center Grove Church Road, Moncure, NC, to the Child Fatality Prevention Team by Chairman Morgan

The motion carried five (5) to zero (0).
16. **Dangerous Dog Appeals Panel:** Consideration of a request to appoint Michael Randall to the Dangerous Dog Appeals Panel

The motion carried five (5) to zero (0).
17. **Animal Cruelty Investigator:** Consideration of a request to appoint Dr. Lauren Bartfield, licensed veterinarian, as an Animal Cruelty Investigator

The motion carried five (5) to zero (0).
18. **Final Subdivision Approval of "Cedar Grove, Phase 4A":** Consideration of a request by Mac Development Company for subdivision final approval of "**Cedar Grove, Phase 4A (Lots 19 – 23)**", consisting of 5 lots on 21 acres, located off Jones Ferry Road, SR

#1540, Baldwin Township

As per the Planning Department and Planning Board recommendation, acceptance of the financial guarantee and final plat approval of “Cedar Grove, Phase IV-A” was granted.

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

- ~~19. **Preliminary Approval of “Briar Chapel, Phase IV, Pods A, B, C, and D”:** Consideration of a request by Kevin Hamak, RLA, The John R. McAdams Company, Inc. on behalf of NNP Briar Chapel LLC for subdivision preliminary approval of “**Briar Chapel, Phase IV, Pods A, B, C, and D (Including Phase 3 ROW)**”, consisting of 323 lots on 152 acres, located off US Highway #15-501, Baldwin Township~~

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

20. **Subdivision Sketch Design Approval of “McDowell Place Subdivision”:** Consideration of a request by Sears Design Group, P. A. on behalf of Fitch Creations, Inc. for subdivision sketch design approval of “**McDowell Place Subdivision**”, consisting of 15 lots on 17 acres, located off Weathersfield, SR #1812 and Williams Township

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

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

21. **Electronic Document Management System (EDMS):** Consideration of a request to approve the project ordinance for Electronic Document Management System (EDMS), attached hereto and by reference made a part hereof.

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

- ~~22. **Agreement to Use Pittsboro Swimming Association Property:** Consideration of a request to approve the agreement with the Pittsboro Swimming Association for use of property during construction of the Social Services Building~~

This item was approved during the afternoon Work Session.

23. **Agreement with NC DENR for Forestry Services:** Consideration of a request to approve agreement with NC DENR for forestry services, attached hereto and by reference made a part hereof.

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

24. **Gang Prevention/Intervention Grant Application:** Consideration of a request to approve an application for a Gang Prevention/Intervention Grant funded through the Governor’s Crime Commission, application attached hereto and by reference made a part hereof.

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

25. **Fireman’s Relief Fund Trustee:** Consideration of a request to appoint Mr. Darrell C. Williams, PO Box 75, Bonlee, NC, as a Fireman’s Relief Fund Trustee by the Board of Commissioners

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

END OF CONSENT AGENDA

ZONING BOARD OF ADJUSTMENT

See minutes of the Zoning Board of Adjustment for action taken.

SOUTHEAST CHATHAM WATER DISTRICT BOARD

See minutes of the Southeast Chatham Water District Board for action taken.

PUBLIC INPUT SESSION

Larry Ballas, 139 Indian Creek Lane, Apex, NC, stated that he wanted to speak on voting by districts. He stated that it is a tough issue to decide upon; that he wanted to stress that people must weigh both sides of the issue before voting; and that it is important for continuity on the Board to have someone that can speak on issues relevant to the whole County.

The Chairman closed the Public Input Session.

BOARD OF COMMISSIONERS' MATTERS

Public Hearing:

Public Hearing on International Specialty Products (ISP): Public hearing to receive public comments on the County's proposed appropriation and expenditure of funds for an economic development project regarding International Specialty Products (ISP)

Jennifer Nelson, Administrative Support for Economic Development, explained that she had taken on the task of presenting information to the Board of Commissioners in the absence of recently retired board president, Tony Tucker. She stated that County staff, County Attorney, Commissioners, and the Economic Development Corporation Board (EDC) spent many hours several years ago gathering information, studying and then drafting the County's incentive package which was adopted on January 20, 2004; that after reviewing the incentives offered by surrounding counties and competitors in the economic region, the EDC supported and continues to support the incentive package in place in Chatham County; that in being presented with the opportunity to utilize the incentives package to entice strong, expanding manufacturers and employers to Chatham County, the county must be ever mindful of three important things: 1) Incentives are not paid by the taxpayers of the County; that not one taxpayer dollar is used to facilitate and pay incentives; that Chatham County's incentive package and the proposed incentive agreement at issue concerning ISP Minerals is quite literally a grant-back of the company's own tax dollars and is never paid unless the taxes owed are collected. 2) The amount of the grant is continuously contingent on the company achieving its commitment to add investment and grow jobs in Chatham County; that if the commitment made is not achieved, the incentive grant of collected tax dollars will be less than what is projected in the Grant Agreement presented and adopted as a part of the Chatham County Incentive Plan. 3) Incentives are not forever; that the participant company, according to the Chatham County Incentive Plan, receives grant money from its collected tax dollars for a period of time; that in the case presented, ISP Minerals, if the grant agreement is approved, would receive incentives for a period of five years. She stated that compared to other counties in the region, Chatham's incentive program is very conservative; that incentives are a crucial tool in the County's belt used to bolster the appeal to companies looking to make an investment in the County; that the ability to grant the incentive package can make or break the County's ability to secure good industrial and commercial investments and

grow jobs in the County; that ISP Minerals has submitted the request to be considered for an incentive grant on the basis that it can and may locate elsewhere if incentives are not extended; that in a highly competitive economic development region, Chatham County simply must grant the incentives when good, strong companies like ISP Minerals consider locating here; that ISP Minerals commitment to grow jobs and diversity the tax base must be considered in light of the incentive policy already adopted; that ISP Minerals formally requested consideration and meets the guidelines for approval; and that the EDC board voted to recommend granting the incentives and now bring the applicant and the recommendation for the Board of Commissioners' recommendation.

Dennis Wicker, attorney, stated that ISP Minerals is urging approval of the incentives proposed; that ISP is a quality company; that it operates good facilities and is a good neighbor across the country; that these incentives would help lure this company; that they would be influential in their decision; that the Siler City Board members would like this company to locate here; that this company would bring 125-150 jobs to the area with an average of \$42,000 per job; that the Town of Siler City unanimously voted in favor of recommending incentives, as did the Economic Development Corporation; and that the incentives would only last five years.

Sam Adams read a resolution in support of the ISP Minerals incentive package adopted by the Siler City Town Board. A copy of the resolution is attached hereto and by reference made a part hereof.

Don Tarkenton, 341 Pine Lake Drive, Siler City, NC, stated that he is chairman of the Job Search Committee in Siler City; that if ISP Minerals located in Chatham County they would be the second largest taxpayer in the County; that ISP is likely not to come to Siler City without the incentives; that the jobs would pay 60% above the median income that currently exists; that the job outflow from Siler City is over 13,000 per day; that the Basic Group and other companies in Siler City will be able to bid and perform work during construction; that the elected officials in Siler City feel that it is in the best overall interest of the citizens of Siler City.

Larry Ballas, 139 Indian Creek Lane, Apex, NC, stated that this is a Chatham County issue, not just a Siler City issue; that ISP Minerals must locate where the product is; that he would like to see conditions on the incentives; that 90% of the jobs should be offered to Chatham County residents; that at least 75% of the top level management jobs should go to Chatham County residents; that ISP Minerals should pay for medical resolution for people with problems with dust; and that they should repair the roads if they are damaged by truck traffic.

Sally Kost, 1101 New Hope Church Road, Apex, NC, stated that she is vice-chair of the Chatham Coalition; that the ISP Minerals incentive is a perfect example of an issue that impacts all of the people in Chatham County; that a majority of the Board has a history of fiscal irresponsibility; that this is a poorly placed open pit, poorly placed mine; that the Board of Commissioners may provide an economic incentive; and that she urges the Board to vote no to ISP incentives.

Tom Vanderbeck, 8180 Old Graham Road, Pittsboro, NC, stated that he is speaking out against any tax incentives for ISP Minerals; that ISP has already announced its intention to build a mining facility in Chatham County and has already been lured here by the vein of the best green stone in the area; that they have already obtained the rezoning from Siler City and already applied for the necessary permits from the State; that Siler City has already held a hearing from a community block grant to run water and a wastewater reuse line; that they are not simply considering Chatham County, then why offer them an incentive to come; that the Board has already admitted that they are coming in the credit presentation to Moody's; that providing ISP Minerals with a rebate on their taxes in the amount of \$525,000 per year for five years does not help the citizens or the County at all; that ISP said that they would supply Chatham County with a one million dollar tax revenue per year; that the 2.6 million dollar rebate could be better used to fund schools, help affordable housing, or upgrade water facilities, maybe even make a good down payment for a needed wastewater treatment plant; that the vein of green stone is incentive enough; that the timing is highly questionable; that the Board should be asking ISP Minerals to set aside monies to repair the damage they plan to do, to establish a health fund or other benefit to the citizens in the area where they

plan to locate; that it is obvious to all that ISP is intent on Chatham County and do not need any additional incentive to come here; and that the County cannot afford to throw away this money.

Loyse Hurley, 16 Matchwood, Pittsboro, NC, stated that the incentive policy clearly outlines what needs to be done to qualify for an incentive; that the Chatham County resolution passed on January 20, 2004 clearly lists the types of businesses that qualify for an economic incentive; that the enabling resolution cites “manufacturing or processing” as a business qualifying for an incentive; that it lists eight other specific businesses, but none of them are for quarrying or mining; that when the enabling resolution was written, no one wanted to offer an incentive for a mine/quarry to locate in Chatham County; and that by passing the incentive as proposed, it appears that it may put the County in legal jeopardy.

Rita Spina, 12 Matchwood, Pittsboro, NC, stated that there is no evidence that ISP Minerals has filed development plans elsewhere; that even the County staff seem to think that ISP Minerals will locate in Chatham County without incentives; that it was cited in the recent presentation to the credit rating agencies; that the proposed incentive is nearly one cent on the annual tax rate for a period of five years; and that there is a lack of public information on this proposal.

Virginia Ryan, 1740 Elmer Moore Road, Bonlee, NC, stated that she has been a friend of Mt. Vernon Springs for twenty years; that she has been sampling the water for years as a public health professional in Chatham County; that she is begging the Board to vote with their conscience; that this proposal is a wolf in sheep’s clothing; that citizens would be adversely affected in a number of areas, including noise, lights, dust, air quality and blasting; that this proposal is not compatible with the surrounding area. She further stated that there is no county or municipal water to the proposed site; that wells in that area average 260 feet deep; that this proposal will make a few people more wealthy and leave the citizens with bad air and water; and that the same day that an article regarding the grant funds came out in the local newspaper, there was also an article placing water restrictions on Siler City water customers.

Pam Smith, 530 Sanford Road, Pittsboro, NC, stated that she is concerned that she has not seen an EPA study on this company; that in light of what happened in Apex recently, the County needs to be careful; that there are enough old quarries in this County; that the County needs industry that does not pollute; that Mt. Vernon Springs is the purest source of water that this County has; and that she and the public would like to see an environmental survey done before approval of incentives.

Jan Nichols, 148 Fairview Road, Moncure, NC, stated that she recommends a book entitled “The Great American Job Scam”; that these scams rely on confusing rhetoric and lack of citizen education; that ISP Minerals has refused to name the other sites under consideration; and that she urges the Board to be fiscally responsible.

Richard Hayes, 612 Oak Island, Chapel Hill, NC, stated that County schools are growing and children are going to schools in trailers; that there are some very large unmet needs in this County; and that this company is worth millions of dollars and does not need the incentive money to locate here.

Dee Reid, 590 Old Pittsboro-Goldston Road, Pittsboro, NC, stated that although she does not live in this area, it is offensive to her when funds may be misappropriated; that the winery that is located next to the ISP site pays its full tax bill; and that she strongly urges the Board to deny this request.

Rebecca Yount, 1340 Mt. Vernon Springs Road, Siler City, NC, stated that incentives should not be given to ISP Minerals; that it is easy to twist words and numbers for an advantage; and that although the form of the incentive may be a rebate, but it would be millions of dollars that would not go into the County’s general fund.

Malcolm McCracken, 1390 Mt. Vernon Springs Road, Siler City, NC, stated that at the previous meeting held by the Siler City Town Board, it was obvious the amount opposition to this project; that when the town board voted in favor of the incentives, not one person spoke in favor of it; and that if the Board votes in favor of this, it will change the lifestyle of a number of people that live in the area.

Susan McCracken, 710 Trag Circle, Boone, NC, stated that she has some questions that she would like to have answered; that she would like a copy of the certification; that she would like to ask what philanthropic initiatives ISP Minerals will make; that the County's economic incentive is very competitive compared to like-sized jurisdictions; that she would like to know how good a neighbor ISP Minerals will be; that the owner of ISP Minerals has fought paying for benefits for health related affects in other areas of the country; and that she asked that the Board to vote against the incentives.

George Lucier, 9 Redbud, Pittsboro, NC, stated that Quintiles was lured to Durham and will employ 1,000 people; that Durham County has a requirement that local citizens are trained; that there are vast differences in the types of industries that are being lured to Chatham County and surrounding areas; that this is on a weak foundation; and that it is of questionable benefit to the citizens of Chatham County.

Alan Rosenbloom, 824 Poplar Trail, Siler City, NC, stated that he is an adjacent landowner; that his life and farm will be destroyed if ISP Minerals locates in the County; that ISP Minerals has said there will be 125-150 jobs created, but entry level jobs need 3-5 years of mining experience and many people here don't have such experience; and that there is no guarantee that the subcontractors on the project are from Chatham County.

BREAK

The Chairman called for a ten-minute break

Dee Robinson, 741 Mt. Vernon Springs Road, Siler City, NC, stated that ISP Minerals has stated that they will be a good corporate citizen; that they claim the new plant will generate \$1 million annually through purchases and involvement in the community; that he is not sure how this figure was derived or how long the benefit will be; that ISP Minerals has been working on this project for longer than anyone cares to admit with a host of professional services that likely do not include anyone from Chatham County; and that ISP Minerals has underestimated the strength and intellect of the citizens of Chatham County.

John Hammond, 848 Langdon, Pittsboro, NC, stated that he is speaking as secretary of the Chatham Coalition; that economic development covers all aspects of the spectrum; that it is not about giving away large amounts of tax revenue to out-of-state firms to attract them to Chatham County; that statistics from the IRS indicate the state and local taxes make up only 1.2% of the typical company's cost of doing business; that if the County wants to grow good jobs, instead of cooking up tax breaks to firms that have already decided to move to the County, high quality education and training are needed to make communities attractive places to live; that industry and new business need to be located in the municipalities where there is infrastructure; that ISP' principal reason for locating in the County is the natural resource, easily extractable stone, in the Mt. Vernon Springs area; that after that, the availability of transportation and markets are important; that hopefully, they are considering local skilled labor as a valuable resource and that they will rely on that pool of local workers to fill most of their jobs; that there is no way that a multi-million dollar company like ISP, having already spent the funds to get this land rezoned and applied for state mining and other environment permits can say that these incentives are a determining or even significant factor in the decision to locate a mining operation outside Siler City; that the rock is driving the deal; that he cannot speak for ISP, but given the County's desperate need for new schools that the citizens must fund, he as a Chatham County citizen and taxpayer, cannot support giving away three million of tax revenue to ISP for 150 jobs outside Siler City; that given the minerals ISP need are in the County, tax incentives are truly penny-wise and pound-foolish and are not in the best interests of the citizens of Chatham County.

Willis Wrenn, 526 W. Glendale, Siler City, NC, stated that he is an adjacent property owner; that ISP Minerals will locate in Chatham County whether they have incentives or not; that no compensation has been offered to adjacent landowners; that the land around it will be devalued considerably; and that the company should at least pay damages.

Jeffrey Starkweather, 590 Old Pittsboro-Goldston Road, Pittsboro, NC, stated that there are a number of good things that have come to Siler City; that these incentives affect every taxpayer; that the Economic Development Corporation's decision was based on false information; that the EDC cannot make the certification without evidence; that approving this incentive package will give the County the reputation as an incentive site; and that there are a number of other ways to use this money more productively.

Sonny Keisler, 3006 River Forks Road, Sanford, NC, stated that he was here on behalf of the Friends of the Rocky River; that the Friends share the same concerns as previous speakers; that they are concerned that ISP Minerals will cause the degradation of the Rocky River; that there are no guarantees about employment of Chatham County residents; and that no acceptable case has been made about why one of the most wealthy men needs incentives. He further stated that based on concerns of the Friends of the Rocky River, Chatham County give financial assistance to the ISP mine only if: 1) Legally enforceable guarantees are given that the water quality of the Rocky River and its tributaries will not be degraded up to and including a one hundred year rain event; 2) ISP will in addition, contribute financially to County and citizen efforts to improve the water quality of the Rocky River and the new parks and recreational areas made available on the river; 3) A guarantee is given concerning preferential hiring of Chatham residents and an acceptable minimum number of Chatham County residents that ISP will employ; 4) A risk assessment be undertaken by a reputable third party that establishes a high probability that Chatham County will, in a worst case scenario, receive a return on its investment equal to what could be expected from a high quality pine plantation (12-15% per year); and 5) Convincing evidence is provided that the owner of ISP cannot afford to finance the mine himself. He stated that as of now, it appears that none of these conditions has been met and that until they are, the Friends of the Rocky River recommend the proposal for financial assistance be tabled.

Ken Winter, 705 Glosson Road, Siler City, NC, questioned where the money was for Chatham Hospital when they were planning their new facility. He stated that he has a working farm next to the proposed site; that he is a member of the Friends of Mt. Vernon Springs group; that this makes a mockery of the noise ordinance; that sleeping with the windows open will no longer be possible; that testimony from neighbors around other ISP Minerals sites show damage to the neighborhoods; and that the Board should be ashamed if they vote approval of the incentive package.

Nick Meyer, 988 Booth Hill, Chapel Hill, NC, stated that the "if we don't do it, no one else will" philosophy shouldn't matter here; that this money goes directly into the owner's pocket; that this is an inappropriate use of our taxpayer money; that this is one corrupt practice after another; and that the Board is picking the winners and the losers.

Randy Voller, 21 Randolph Court, Pittsboro, NC, stated that this is a tough choice; that the actual value of the money was not calculated; that 3M is already here and cannot expand without knowing what ISP Minerals will do; that before the Board considers supporting this mega-business, they need to help other businesses, small and medium; and that he feels that this idea needs to be explored before the Board votes on the proposal.

Elizabeth Dixon, 2861 Mt. Vernon Springs Road, Siler City, NC, stated that the done deal is also a dumb deal; that they left citizens out of the decision making process; that the Siler City Town Board and the ISP Minerals President should not sway the decision; that her house should be listed on the historical register; that she is worried about truck traffic; and that she asked that the Board read all the written documentation submitted before making a decision on the proposal.

Chris Bush, 258 Tick Creek Preserve, Siler City, NC, stated that he moved to Chatham County based on the Chatham County Land Use Plan and Siler City's promises to protect the ETJ; that he'll have blasting, noise, and vibration to deal with now; that this is an issue of broken faith; and that he urges the Board to make the right decision and deny this request.

Libby Hicks, 2346 Tom Stevens Road, Siler City, NC, stated she felt that it was rude to cut people off in three minutes; that ISP Minerals and their attorney had an unlimited amount of time to talk; that Chatham County has become a travel destination with several attractions including Jordan Lake, golf courses, bed and breakfasts, bike trails and vineyards; that Chatham County has had the third largest increase in travel and tourism; that tourism has generated an economic impact of \$20.88 million; that they must protect the resources of Chatham County; that this industry has been around for a long time; and that ISP Minerals has a terrible reputation. She further stated that this has not been researched adequately enough; that the ISP Minerals representatives have done their job in selling this company; and that now it is the Board's job to listen to the people.

Guy Loeffler, 466 Vineyard Ride, Siler City, NC, stated that he is the managing partner of Horizon Cellars; that ISP will be getting lots of money to bring their business to Chatham County; that he received no money for his business; that the County should be enticing people to visit; that these incentives should be based on strong conditions; and that the proposal should have contiguous support from all levels.

Karl Ernst, 711 Red Oak Drive, Siler City, NC, stated that once money is paid, it then becomes taxpayer money; that the County needs industrial development; that companies are laying people off in Siler City; that all businesses have had the option to apply for incentives since 2004; that the reality is that every tax dollar the County can get is desperately needed; that the economic survival of the town he lives in is on the table; that he supports new industry but not on the backs of the taxpayers; and that all citizens in Chatham County will benefit from a good corporate partner.

Board members asked questions of the applicant. 9:23

Chairman Morgan moved, seconded by Commissioner Emerson, to adopt **Resolution #2006-58 Authorizing An Incentives Contract with ISP Minerals, Inc.**, attached hereto and by reference made a part hereof. The motion carried three (3) to two (2) with Commissioners Barnes and Cross opposing.

BREAK

The Chairman called for a short break

PLANNING AND ZONING

Preliminary Approval of "Briar Chapel, Phase IV, Pods A, B, C, and D": Consideration of a request by Kevin Hamak, RLA, The John R. McAdams Company, Inc. on behalf of NNP Briar Chapel LLC for subdivision preliminary approval of **"Briar Chapel, Phase IV, Pods A, B, C, and D (Including Phase 3 ROW)"**, consisting of 323 lots on 152 acres, located off US Highway #15-501, Baldwin Township

As per the Planning Department and Planning Board recommendation, Commissioner Emerson moved, seconded by Commissioner Outz, to approve of the road names listed and alleyway names shown on the preliminary plat and preliminary approval of "Briar Chapel, Phase IV, Pods A, B, C, and D (including Phase 3 ROW)" was granted with the following condition:

1. The final plat shall include the changes and/or items as specified above.

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

Zoning and Ordinance Amendments:

Request for Conditional Use District B-1 Business: 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

By consensus, this item was tabled until the November 06, 2006 Board of Commissioners' meeting.

Request for Conditional Use District 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

By consensus, this item was tabled until the November 06, 2006 Board of Commissioners' meeting.

Request for B-1 Conditional Use District: Consideration of a request by Blake & Associates, Inc. on behalf of HBP Properties, LLC for a B-1 Conditional Use District on 40 acres, located at the intersection of US Highway #15-501 North and SR #1530, Polks Landing Road, Baldwin Township

As per the Planning Department and Planning Board recommendation, Commissioner Emerson moved, seconded by Commissioner Outz, to adopt **An Ordinance Amending the Zoning Ordinance of Chatham County**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Request for Conditional Use Permit: Consideration of a request by Blake & Associates, Inc. on behalf of HBP Properties, LLC for a Conditional Use Permit for Retail / Office Buildings / Restaurants / Bank / Insurance / Financial Services / Specialty Retail / Furniture / Pet Shop / Art House Theatre / Gallery / Pharmacy / Drug Store / Engineering / Service Offices / Distribution Centers (see application for specific uses), on 40 acres, located at the intersection of US Highway #15-501 North and SR #1530, Polk's Landing Road, Baldwin Township

Commissioner Emerson moved, seconded by Commissioner Outz, to adopt **Resolution #2006-59 Approving an Application for a Conditional Use Permit Requested by Blake & Associates, Inc.**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Request to Rezone Acreage off Big Hole Road: Consideration of a request by McLean Family LTD, Partnership to rezone approximately 470 acres located off Big Hole Road (Private), Williams Township from RA-5 to RA-90

As per the Planning Department recommendation, Commissioner Emerson moved, seconded by Commissioner Outz, to adopt **An Ordinance Amending the Zoning Ordinance of Chatham County**, attached hereto and by reference made a part hereof. The motion carried three (3) to two (2) with Commissioners Cross and Barnes opposing.

Request to Rezone Acreage off Hatley Road: Consideration of a request by Contentnea Creek Development Company to rezone approximately 130 acres located off Hatley Road (SR #1714), New Hope Township from RA-5 to Conditional Use RA-90 District

As per the Planning Board and Planning Department recommendation, Commissioner Outz moved, seconded by Commissioner Emerson, to adopt **An Ordinance Amending the Zoning Ordinance of Chatham County**, attached hereto and by reference made a part hereof. The motion carried three (3) to two (2) with Commissioners Cross and Barnes opposing.

Request for Conditional Use RA-90 Permit: Consideration of a request by Contentnea Creek Development Company for a Conditional Use RA-90 Permit for a 63 lot single family residential subdivision with site plan on approximately 130 acres located off Hatley Road (SR #1714), New Hope Township

As per the Planning Department recommendation, Commissioner Outz moved, seconded by

Commissioner Emerson, to adopt **Resolution #2006-60 Approving an Application for a Conditional Use Permit Requested by Contentnea Creek Development Company**, attached hereto and by reference made a part hereof. The motion carried four (4) to one (1) with Commissioner Barnes opposing.

Request to Rezone Acreage at Corner of US #64 and Bob Horton Road: Consideration of a request by Walter Lewis to rezone approximately 5.35 acres located at the corner of US #64 East and Bob Horton Road (SR #1744), New Hope Township from RA-40 Residential Agricultural to Conditional Use B-1 Business

As per the Planning Board and Planning Department recommendation, Commissioner Emerson moved, seconded by Commissioner Outz, to adopt **An Ordinance Amending the Zoning Ordinance of Chatham County**, attached hereto and by reference made a part hereof. The motion carried four (4) to one (1) with Commissioner Barnes opposing.

Request for Conditional Use B-1 Business Permit: Consideration of a request by Walter Lewis for a Conditional Use B-1 Business Permit for an indoor storage for boats, recreational vehicles, and other vehicular and self storage uses on approximately 5.35 acres located at the corner of US 64 East and Bob Horton Road (SR #1744), New Hope Township

As per the Planning Department and Planning Board recommendation, Commissioner Emerson moved, seconded by Commissioner Outz, to adopt **Resolution #2006-61 Approving An Application For A Conditional Use Permit Requested by Walter Lewis**, attached hereto and by reference made a part hereof. The motion carried four (4) to one (1) with Commissioner Barnes opposing.

BOARDS AND COMMITTEES

Agriculture Advisory Committee: Consideration of a request to appoint/reappoint a member to the Agriculture Advisory Committee by Commissioner Barnes (1)

This appointment was deferred until a later date.

Solid Waste Advisory Board: Consideration of a request to appoint a member to the Solid Waste Advisory Board by Commissioner Emerson (1)

This appointment was deferred until a later date.

MANAGER' S REPORTS

There were no Manager's Reports.

COMMISSIONERS' REPORTS

Commissioner Outz moved that the Chatham County Commissioners write their representatives, Senator Bob Atwater and Representative Joe Hackney, to request that they introduce a bill that would allow people in their area, that a town or city is trying to annexed, be allowed to vote on whether or not they want to be annexed.

Commissioner Cross stated that the law states that they can annex either way without anyone's approval.

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

ADJOURNMENT

Commissioner Barnes moved, seconded by Commissioner Cross, to adjourn the regular meeting. The motion carried five (5) to zero (0), and the meeting was adjourned at 10:20 PM.

Bunkey Morgan, Chairman

ATTEST:

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