

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
MARCH 17, 2008

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 March 17, 2008.

Present: Chairman George Lucier; Vice Chair, Mike Cross; Commissioners Patrick Barnes, Carl Thompson, and Tom Vanderbeck, County Manager, Charlie Horne; Assistant County Manager, Renee Paschal; Acting County Attorney, Jep Rose; and Clerk to the Board, Sandra B. Sublett

INVOCATION AND PLEDGE OF ALLEGIANCE

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

CALL TO ORDER

The meeting was called to order by the Chairman at 6:00 PM.

AGENDA AND CONSENT AGENDA

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

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

1. **Minutes:** Consideration of a request for approval of Board Minutes for regular meeting held February 18, 2008 and work session held February 18, 2008

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

2. **Naming of Private Road in Chatham County:** Consideration of a request to name a private road in Chatham County as follows:

A. Big Easy Road

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

3. **Funds Acceptance for Health Department:** Consideration of a request to accept one-time bonus funds in the amount of \$4,735.00 from Federal Title X (Family Planning) for the Chatham County Health Department

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 \$20,163.00 awarded to the Chatham County Health Department from the North Carolina Division of Public Health

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

5. **Grant Application Approval for Department of Social Services:** Consideration of a request to approve a Work First Demonstration Grant application in the amount of \$68,836.22, attached hereto and by reference made a part hereof.

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

6. **Grant Application Approval for Department of Social Services:** Consideration of a request to approve a Non-Intensive Family Preservation Services application in the amount of \$75,000.00, attached hereto and by reference made a part hereof.

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

7. **Probation Offices Lease:** Consideration of a request to approve the Siler City Probation Offices Lease, attached hereto and by reference made a part hereof.

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

8. **Non-Profit Review Panel Volunteers Appointments:** Consideration of a request to appoint the Non-profit Review Panel Volunteers, a list attached hereto and by reference made a part hereof.

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

9. **Fiscal Year 2007-2008 Budget Amendments:** Consideration of a request to approve Fiscal Year 2007-2008 Budget Amendments, attached hereto and by reference made a part hereof.

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

10. **Subdivision Final Plat Approval of "Valley View":** Consideration of a request by Ticon Properties, LLC for subdivision final plat approval of "Valley View", consisting of 22 lots on 47 acres, located off SR #1526, Andrews Store Road, Baldwin Township

As per the Planning Department and Planning Board (unanimous vote) recommendation, final plat approval of "Valley View" was granted as submitted.

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

11. **Community Development Block Grant 07-C-1654 Award of Housing Rehabilitation Bid:** Consideration of a request to award the Community Development Block Grant 07-C-1654 award of housing rehabilitation and heating bids

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

END OF CONSENT AGENDA

PUBLIC INPUT SESSION

There was no one present who wished to make public comments.

PLANNING AND ZONING

Subdivision Preliminary Plat Approval of "Parker Springs": Consideration of a request by Parker Springs, LLC for subdivision preliminary plat approval of "Parker Springs", consisting of 50 lots on 87 acres, located off SR #1700, Mt. Gilead Church Road, New Hope and Williams Township

Sally Kost, Planning Board Chair, stated that there was a lot of discussion regarding this item; that the bottom line was that the environmental assessment that was submitted with the preliminary plat was inadequate; that it did not answer the concerns that were addressed at sketch design; that the Environmental Review Board was unable to access the assessment because it was inadequate; and that there was no rebuttal from the applicant.

Emanuel Diliberto, 586 Valley Lane, Pittsboro, NC, corroborated what the Planning Board recommended. He stated that there are concerns related to lots #37 and #38 as it relates to the stream; that the drain field is higher than the lots and Parker's Creek; and there are steep flows going into the creek.

Grey Styers, Attorney, speaking on behalf of the applicant, stated that he was happy to answer any questions; that they submitted to the EIA in November, 2007 and to the Planning Board; that they did not know of any deficiencies until the Wednesday afternoon, February 27, 2008 before the Planning Board meeting; that they have a tremendous amount of effort, time, and money into the project to assure compliance; that they felt good about the sketch design; that they have worked with a number of partners to minimize the affects on the environment; and that the few minor changes that were made did not harm the project in any way.

Chairman Lucier reviewed the specifics of the subdivision preliminary plat. He stated that he felt it would be beneficial to do an additional rebuttal based on the addendum to the original environmental assessment that would identify areas that they agree, disagree, and the basis for the disagreement and if there have been modifications in the plan to accommodate those areas. He asked what is different about the preliminary plat compared to the sketch design in terms of numbers of lots, placement of the lots, and any changes that have been made as a consequence of potential negative impacts that they might have uncovered as when they were doing the environmental assessment.

Mr. Styers stated that they could take the rebuttal that they had initially prepared and then, point by point, supplement it by additional information showing how the addendum additionally refers to the items raised by the Environmental Review Board; that also, the information that was sent on Friday, they talked about some of the changes that occurred in the permitting and EIA assessment process; that there was a lot that was moved, a road was rerouted, and they felt very good about the sketch design; that since they were talking about only fifty lots on seventy acres, they could receive the permits from DWQ, the Corps of Engineers, and DOT, and could work with ECS Carolina that has been doing these types of assessments for many years; that what was proposed at sketch design, such as the 100 foot buffers on Parkers Creek and the other buffers on mid-streams actually require very few changes. He discussed other changes and stated that they would be glad to do as the Chairman requested.

Allison Weakley, stated that the Environmental Review Board meets on Thursday; April 17, 2008.

The Chairman asked that the Environmental Review Board provide comments on the addendum, it will be very much appreciated.

Commissioner Vanderbeck stated that the Board has sixty days from the day's date on which to make a decision, but that he would like to not take all that time if possible.

Commissioner Barnes moved, seconded by Commissioner Vanderbeck, to table this item until at least the April 21, 2008 Board of Commissioners' meeting and perhaps the May 5, 2008 Board of Commissioners' meeting. The motion carried five (5) to zero (0).

The Planning Director stated that an electronic copy of the addendum would be placed on the web site by Wednesday afternoon and that a few hard copies would also be available.

Public Hearings:

Public Hearing for Conditional Use Permit Renewal for Landscaping Business: Public hearing to receive public comments on a request by Christopher M. Fortunes, dba Evergreen Companies, Inc. for a Conditional Use Permit "renewal" for a landscaping business, lawn and garden shop, and florist shop located on Parcel #71030, at 11115 US Highway #64 E, New Hope Township

The Chairman administered the oath to those in attendance who wished to make public comments on all items requiring sworn testimony.

Tom Bennett, Hines-Bennett Development Company Managing Partner, 240 Ever After Lane, Apex, NC, stated that he represents a horse farm that adjoins the proposed project; that he is opposed to the plan; that considering promises made withdrew objection two years ago; that the promises made were not kept; that the opaque screening is 50% dead;

that the mulch and soils area was supposed to be a natural area; that it has become a burn site where he has burned trash from other jobs, framing from that building, trash, etc.; that he has large pieces of barrel, concrete, metal, and junk; that the promises are not kept; that he is sandwiched between an undesirable business and a state park; that there is no approved toilet, only a port-a-potty; and that his biggest concern is that this business be allowed to proceed without keeping its promises.

Sally Kost, Planning Board Chairman, asked if the only two conditions that were not met were the opaque screening and use of the mulch in the soil area.

Mr. Bennett stated that he did not have a garbage service until six months prior and that there is no septic site. He further stated that he had complied with all regulations and assumed that everyone else would too.

Peter Theye, Planning Board Member, asked how many were employed at the site.

Mr. Bennett replied approximately six or seven drive in in the morning; that there is a lot of noise from Highway #64; and that it is only five days per week.

Public Hearing for Revision to Existing Conditional Use Permit: Public hearing request to receive public comments on a request by Sears Design Group, P.A. on behalf of Galloway Ridge, Inc., located off US Highway #15-501 N, Williams Township, for a revision to the existing conditional use permit (CU-PUD for Fearington Village) for an expansion of services and renovations to existing buildings

Commissioner Vanderbeck asked that a letter by Mr. William Sommers be entered into the record. The letter is attached hereto and by reference made a part hereof.

Hugh Chapin, 3000 Galloway Ridge, Pittsboro, NC, stated that he is the chairman and president of Galloway Ridge, Inc.; that the future plan is to complete the original concept in Phase II with the construction of two additional wings of sixty-six apartments independent living units, one villa and the expansion of the health care facility; that Galloway Ridge is a not-for-profit organization; that it has created two hundred full and part time jobs; that it has paid \$978,000 in taxes; that the completed phase II will add to that total; that there is no impact on schools, recreation or medical facilities for the County at present and in the future; that it is home to 340 residents of which one-third formerly lived in Fearington Village; that their residents bring together a high concentration of experience, time, discretionary income and give back to the Chatham County community; that Galloway Ridge, Inc. owns all the property; that depositors make a deposit and pay monthly fees for the right to live there as long as they live or move away; that they enjoy all of the amenities and life-care concept in a health care facility; that they do not own it and therefore Galloway Ridge, Inc. pays all of the property taxes.

Mr. Chapin answered questions for those in the audience.

Warren Glick, Planning Board Member, asked the purpose of the expansion.

Mr. Chapin continued by saying that in the marketing that they are doing and have done and in the original concept, they excluded the two wings in the original plat; that they could see down the road and in the market, a need for the continuing care concept.

Jason Cronk, Executive Director of Galloway Ridge, 18 Randolph Court, Pittsboro, NC, stated that they opened three years ago and are 95% sold out with 95 people on the waiting list. He presented a slide show on the existing and proposed development and answered questions from the Board and those in attendance.

Margaret Pollard, 1817 Gade Bryan Road, Moncure, NC, stated that she appreciated the opportunity to come before the Board tonight and request support for the Galloway Ridge, Inc. expansion plans; that as a seven year member of the Board of Commissioners and a member of the Social Accountability Committee, she is requesting approval of their proposal; that she is excited about the contribution Galloway Ridge makes to the quality of life in Chatham County; that the Duke Center for Living is a comprehensive fitness center that offers memberships to area residents who are not residents of Galloway Ridge; that

residents provide numerous hours of valuable volunteer time to schools and non-profit organizations in Chatham County; that additionally, the jobs provided, the ad valorem taxes paid, the Charitable Fund donations and many other tangible and intangible contributions add to the wealth of the County with minimal drain on the County's resources; and that she sees Galloway Ridge as a very important asset to Chatham County and asks for the Board's approval of the project.

Public Hearing to Rezone Acreage off Holland's Chapel Road: Public hearing to receive public comments on a request by Winter Custom Yachts, Inc. on behalf of Apex Nurseries, Inc., located off Holland's Chapel Road, New Hope Township, to rezone approximately 11.54 acres from an RA-40 (residential/agricultural) district to a CU-Ind-L (conditional use light industrial) district

Nick Robinson, Attorney, stated that he was happy to be here on behalf of Winter Custom Yachts, Inc., the applicant. He stated that Winter Custom Yachts is owned by Will Copeland, a lifelong Chatham County resident and Tim Winters; that this is an opportunity to approve rezoning for a new type of commercial enterprise; that Mr. Copeland is requesting that the County rezone an approximately 11.54 acre parcel from RA-40 to Conditional Use Light Industrial; that the applicant is simultaneously requesting a conditional use permit for a boat assembly site and for associated small retail, the details of which will be addressed in the public hearing relating to the requested conditional use permit.

He stated that his comments right now will be limited to the fact that this property is ideally located for this type of commercial use as follows:

1. The Chatham County Land Conservation and Development Plan (the "Land Use Plan") sets forth two fundamental policies, both of which are met by this proposal. The first general policy is that land development will reflect balanced growth by, in part, ensuring that development is "guided to suitable locations and is designed appropriately." *Land Use Plan, p. 1* The Land Use Plan also provides that economic activity should be allowed to occur "almost anywhere in the County" subject to appropriate design and performance standards. *Land Use Plan, p. 27.*

2. The proposed use would be guided both to a place where commercial uses co-exist but also to a place where boating assembly and retail sales are appropriate. It is important to note that, while the property is conveniently located to Jordan Lake it is not in a critical watershed area, nor a conservation area. It is ideally suited for the use proposed.

3. No map of economic development centers was ever adopted to complement the Land Use Plan. However, the Land Use Plan does specify as an economic development center the area just west of the Chatham County/Wake County line near the intersection of US. 64 and NC 751 as a place where it would be beneficial to link to infrastructure and build on the economic activity in western Wake County. This site is located near the intersection of US 64 and NC 751. Although there are no businesses at the actual intersection of US 64 and NC 751, the Apex Nursery business adjoins this project. Also, across 751 is the Gene's Strawberry Patch and behind this property is a tract owned by Time Warner Cable, certainly not being put to residential use. Encouraging this commercial use where there are existing commercial uses is good planning. Further, locating the business among existing businesses saves the 64 highway corridor from commercial development.

4. In discussing Economic Development Centers, the Land Use Plan lays out the following principles:

- Economic centers should be situated in planned locations. *Land Use Plan, p. 27.*
- Economic Centers should allow for "continued development within other areas currently zoned for commercial or industrial." *Land Use Plan, p. 27.*
- It encourages community compatible businesses. *Land Use Plan, p. 27.*
- A broad range of economic activities should be permitted. *Land Use Plan, p. 31.*

5. The Land Use Plan also sets out benchmarks for establishing appropriate economic development centers such as (1) areas especially suited for particular businesses

(this boating business located near Jordan Lake and among other businesses); (2) areas tied to transportation infrastructure (this site is located just off NC 751); (3) areas minimizing impact of businesses on areas of the county (this use is close to other businesses and has convenient access to Jordan Lake); (4) commercial development that pays for itself (this use will not impose any financial burden on the County but will create jobs, increase tax revenue and local spending). *Land Use Plan, p. 10.*

6. Further, the Land Use Plan says as follows with regard to siting commercial uses:

“Site commercial uses along major highways . . .” *Land Use Plan, p. 10.*

“Site commercial clusters so that they might be able to be served by transit in the future, especially along U.S. 15-501 north of Pittsboro.” *Land Use Plan, p. 10.*

“Site commercial clusters so that they extend up side roads off main thoroughfares...”
Land Use Plan, p.10

7. There can be no doubt that this proposal fulfills the specific language of the Land Use Plan and is consistent with and promotes the purposes and intent of the Land Use Plan.

8. This location is ideally suited for conversion to a conditional use Light Industrial district and request that you approve that request.

9. We stand upon the reasons for the rezoning offered in our application as required under Section 17.

10. Also included in the materials I handed up is a property description of the parcel that describes the overall parcel, the +/- 11.54 acres for which the new district is requested. This will be the legal description used for the conditional use district. Also, we incorporate by reference all of the written and visual portions of our application that relate to the legislative portion of this hearing.

Karl Ernst, Planning Board Member, asked how many jobs would be created. Mr. Robinson responded approximately 15-22 employees.

Commissioner Thompson asked the type of skills the employer will require and their pay scale.

Will Copeland responded that it was a varied scale as far as the skilled, non-skilled labor was concerned; that it depends on the part of the boat that is being built; that they are in close proximity to Research Triangle Park (RTP) from which they are hoping to require their help; that the pay scale will also vary according to the work being done.

Mr. Glick asked about the anticipated noise level. Mr. Robinson stated that some of the questions being asked would more appropriately be handled at conditional use permit process as they relate specifically to the business that they are now addressing whether the area is suitable.

Chairman Lucier agreed with Mr. Robinson.

Ms. Kost asked about the distance from Highway #751 and Jordan Lake. She also asked, since this is a joint Chatham-Cary land use area, if there had been any feedback received from the Town of Cary. Mr. Robinson responded that feedback had been received from the Town of Cary Planning staff; that the map stated 1,635 feet from Highway #751; and that it was approximately three miles from Jordan Lake.

John Hinkley, Planning Board Member, asked, since the applicant had been in business for several years, if this was a non-conforming use or a use that was in non-compliance. Mr. Robinson replied that Apex Nurseries had been in existence at that location since 1918; that the Zoning Ordinance came into effect in 1974; that roughly 58 years after the business began, the Zoning Ordinance came into place and it has continued on in its

current form as Apex Nurseries since the Zoning Ordinance was passed. Mr. Hinkley stated that he was talking about production of the yachts; that he had seen a congratulatory notice in the newspaper to Mr. Copeland regarding completion of the yacht; and that he thought he had been in business for two-three years on this property. Mr. Robinson replied that if the question was had they produced a boat at that site, the answer to that question was yes.

A discussion ensued regarding whether a conditional use permit was needed if they were already building boats. Mr. Robinson replied that they had built only one boat.

Mr. Copeland replied that they had not actually delivered the boat; that it had been his hobby; that they see the opportunity to continue building boats; and that they are now asking permission to be able to go forward and operate a business.

Mr. Robinson reiterated that the fair way to characterize the experience was that his client had decided to build a boat for the fun of it; that they built it; that it was a great boat; that it looks like it might sell; that the next thing they did was come to the County Planning staff and ask what they had to do if they turned it into a business; and that is the reason they are before the Board.

Peter Theye asked the Planning Director if they were in compliance with their zoning at this time.

The Planning Director stated that he felt what was being asked was an enforcement issues rather than their request to rezone land; that he would be happy to explain that at a different time; that Mr. Copeland was building a boat for his own personal use and then it changed; that the Planning staff then became aware of it; that he discussed with them how he could do this as a business; and that they have come to the Board of Commissioners for approval.

Mr. Robinson asked to add a metes and bounds property description to the record for the purpose of specificity so that the actual size and shape is known in the future for the property that is to be rezoned.

The Planning Director stated that a question was asked earlier about the Town of Cary input on zoning requests; that they were informed that this request was coming before the Board of Commissioners; that were directed to all of the information; that as far as the Board's consideration of it, they can consider any and all information received; that what weight it is given in making the decision is another matter; that since there is no joint plan adopted or agreed upon by the two bodies, the Board needs to be looking at adopting the Land Development Plan as far as making a decision; that this also applies to the Major Corridor Ordinance; that the study may be adopted by the Board at some time; and that as this particular application, the Board needs to consider what is on the books at this time.

Ms. Kost stated that she felt that the Cary Land Use Plan was taking too long; that she knows that this was an area that wasn't planned; that it was slated as a retail area; that she personally thinks that Cary is a critical piece of the decision-making, although she has not seen their comments.

The Planning Director agreed with Ms. Kost and stated that if there are provisions, if approved, make it fit better within in the community, they need to be addressed.

The Chairman stated that Cary was asked for their input and it should be used in a way that the Planning Board sees fit.

Public Hearing for Conditional Use Permit for Light Manufacturing: Public hearing to receive public comments on a request by Winter Custom Yachts, Inc. on behalf of Apex Nurseries, Inc., located off Holland's Chapel Road, New Hope Township, for a Conditional Use Permit for light manufacturing or processing with associated retail sales for boat assembly and boating and fishing supplies

Nick Robinson, Attorney, on behalf of the applicant, Winter Custom Yachts, Inc., stated that he wants to now incorporate their written comments on the CUD and their written application; that with him tonight are Will Copeland, part owner of the applicant and life

long Chatham County resident; that many of the Board know him as the operator of Apex Nurseries, a business that has been located in Chatham since 1918; and that also with him tonight is Carter Crawford, the landscape planner for the project.

Mr. Robinson stated that what the applicant is seeking is approval of a conditional use permit and site plan approval for a boat assembly site and small retail sales establishment; that there is much to commend this business to Chatham County: It will increase employment, it will add tax base, both real property and sales, it is a locally born business started by a Chatham County native, it will facilitate tourism, it will be clean and green, it will be well landscaped and designed, it will be unimposing on the neighbors, it will generate little to no traffic and, importantly, will not tax County services, such as schools, police or fire in any significant way.

He stated that in reference to the site design, they have met with the Appearance Commission; that it was a very productive meeting that resulted in some very practical and significant changes to the landscape plan that all parties agree were positive; that they also met with Justin Bullock of the North Carolina DOT about driveway access; that he crimped their dreams somewhat by reducing the driveways from two to one but, after meeting with him, they see the wisdom in that; and that the site plan has been reconfigured to make that adjustment.

Mr. Robinson stated that they understand that the plan has been reviewed by the Town of Cary Planning Staff; that they were generally positive but asked for more information on four issues (1) Fiberglass Hulls: The hulls will be formed with wood and sparingly encapsulated with fiberglass to preserve the hull. This entire process will take place indoors and the small amount of fiberglass materials that are not used will be removed and disposed of by Waste Industries. (2) Finished Boat Storage Area/Materials Storage/Total Site Impervious: Boats will be stored indoors virtual at all times. Materials will be housed in a separate portable structure located in the impervious area. The applicant will consult with and conform to any and all regulations of the fire department as to storage of materials. The total site impervious is 8.3%, much less than the 24-36% allowed. (3) Well and Septic: The well location is shown on the revised plan. As for septic, we have attached hereto a letter from Central Carolina Soil Consulting, LLC. Indicating that adequate provision can be made for the wastewater to be generated. Plus, there is an existing residence on the property that would no longer be usable for residential purposes and its septic area is approved for more gallons of wastewater than is indicated to be necessary. I introduce Carter Crawford to address the issues raised about the pond outlet structure. (4) Fire prevention: This building will not need a sprinkler system because it will merely involve assembly of non-combustible parts. However, adequate space for fire breaks will be built and the pond can be used for fire suppression.

He stated that this project fills a unique niche in the marketplace with a specialty commercial operation that feeds into the tourism business of Chatham County and the State and is located near Jordan Lake but not within the critical watershed areas; that the applicant plans on engaging an entity that will sell it the technology to make this assembly process as green as possible; that the process is called Vacuum Bag Infusion; and that these negotiations are ongoing but the intent of the applicant is to use that technology if it is available.

Mr. Robinson stated that on behalf of Mr. Copeland and the applicant, they respectfully submit that the evidence provided in the application and at this hearing is sufficient to support the five necessary findings under the Chatham County Zoning Ordinance; that they respectfully request that the proposed conditional use zoning district and conditional use permit be granted; and so that he will not have to interrupt and have unnecessary confrontation with any possible witnesses, he would like to object for the record to the testimony in this portion of the hearing of any witnesses who lack standing to testify under North Carolina law and to any opinions that are offered without adequate foundation under North Carolina law.

Carter Crawford stated that the horizontal run-off pipe will need to be raised 1.5 inches.

Commissioner Vanderbeck stated that in changing the driveway and in consideration of the traffic, he would like to know if the turn-around was large enough to navigate the road and get out of the driveway.

Mr. Robinson stated that they did not want to end up in a situation in which they were unable to get the boats in or out. Mr. Crawford stated that that was the reason for making one driveway instead of two drives in order to get the boats in and out safely.

Ms. Kost asked how it was getting the boat out. Mr. Crawford stated that it went flawlessly; that they wanted to purchase a trailer large enough to haul the boats; that would enable them to transport marine boats.

Chairman Lucier administered the oath to Lorraine Griggs, 47 Hogan Farm Road, Apex, NC, in order for her to make public comments on this item requiring sworn testimony.

Ms. Griggs asked if she would still be able to see the stars at night due to the lights on the business. Mr. Crawford stated that their business would not have a lighting problem; that their boats would be built inside the building until they are completed; and that they will comply with County lighting.

Chairman Lucier stated that the Board of Commissioners passed an ordinance regulating the amount of lighting permissible upon neighboring properties and that the lighting is directed downward instead of up into the sky. Mr. Robinson stated that there was a lighting plan submitted with the application; that there are two full cut-off light fixtures for the parking lot and that is all; and that they are in compliance with the Lighting Ordinance.

Dave Klarman asked what would happen if they fall on hard times after they have received the conditional use permit and want to change their business permit to something else.

Mr. Robinson stated that he had learned not to ask for anything more than what he planned to do with it and if it changes, one can return and ask for permission.

Del Turner asked about the stormwater run-off from the pond.

Mr. Robinson stated that the pond was a stormwater detention structure; that its entire purpose is to gather the water run-off; and that is the reason it was placed in that location.

Jim Hinkley, Planning Board Member, asked if this was in compliance or in violation of the Zoning Ordinance stating that he needed to know because he asks the technical questions.

Mr. Robinson objected to Mr. Hinkley's question.

The Planning Director stated that as far as they know, there is no boat building going on out there in violation of County zoning.

Mr. Hinkley asked if what they are doing was in compliance.

The Planning Director stated that he didn't know that they were doing anything in violation of the County Zoning Ordinance.

The County Attorney stated that he thought the question, "Are they in violation now?" was a legitimate question. Mr. Hinkley asked if they could proceed if the process was in violation.

The County Attorney stated that if they assumed that they were in violation, it would not prevent them from rezoning the property; that he thinks the answer from the Planning Director is that they are not in violation because they are not doing anything; that they may have been in violation some time in the past; that it may have been done as a hobby; and that he doesn't think that they were in violation.

Mr. Hinkley restated his question if the property was in violation. The Chairman stated that the answer was yes, that they were able to proceed.

Ms. Kost asked Ms. Griggs how close she lives to the operation and if she has ever had a problem with fumes and chemicals from the activity there. Ms. Griggs responded that she lived off Martha's Chapel Road and she had never experienced a problem.

Ms. Kost asked if there was a plan in place to deal with the ventilation. Mr. Crawford explained that they use a special process which has no fumes with their resin; that he supposes they use chemicals to keep from having fumes; that he is familiar with the polyester resin to which Ms. Kost is referring; that they use a system called the "Wes System"; that it is an epoxy resin not a polyester resin; that there are no fumes that would cause a problem outside their building; that he has not had a complaint in the three years since the hobby was begun; that they will be inside a building and will be complying with the Fire Marshall and any environmental regulations; that they are working with a company to possibly be a forefront boat builder in the green boat building industry; that they are trying to get into a building out of the weather; that this entire thing came from an idea and a hobby; that they want to do it the right way; and that they see the importance of an asset in Chatham County and is why they are in attendance at the night's meeting.

Chairman Lucier asked if there were Material Safety Data Sheets (MSDS) available for the materials that are being used, if they could be made a part of the record, and if his employees would be covered under the OSHA regulations. Mr. Crawford responded that the MSDS records were available, that they could be made part of the record, and that his employees would be covered under the OSHA regulations. He stated that they fully intended to comply with health, safety, and fire regulations.

Chairman Lucier asked that any information mentioned earlier be entered into the record regarding the green boat building operations. Mr. Crawford stated that there are boat building processes now being used that encourage the green way to build boats; that because they are in close proximity to these businesses, they can take advantage of research and development; and that they just have to get started.

BOARD OF COMMISSIONERS' MATTERS

Presentation by Rocky River Heritage Foundation: Presentation by the Rocky River Heritage Foundation, "Discover, Protect & Enjoy the Rocky River"

Diana Hales, on behalf of the Rocky River Heritage Foundation, provided the following information during a PowerPoint presentation:

Discover the Rocky River

Location: The Rocky headwaters in Alamance & Randolph counties, then flows southeast through Chatham into the Deep River at the White Pines Preserve.

A Chatham County River: 88% of the Rocky River is in Chatham County; 34% of Chatham County is in the Rocky River Watershed.

The river is a series of beautiful riffles & pools – like a mountain stream.

The Rocky is a "flash river": After major rains, the water rises rapidly and cleans the river - then quickly falls back to low levels. It is classified by N.C. as a Class C river, suitable for secondary recreation - fishing, boating & wading.

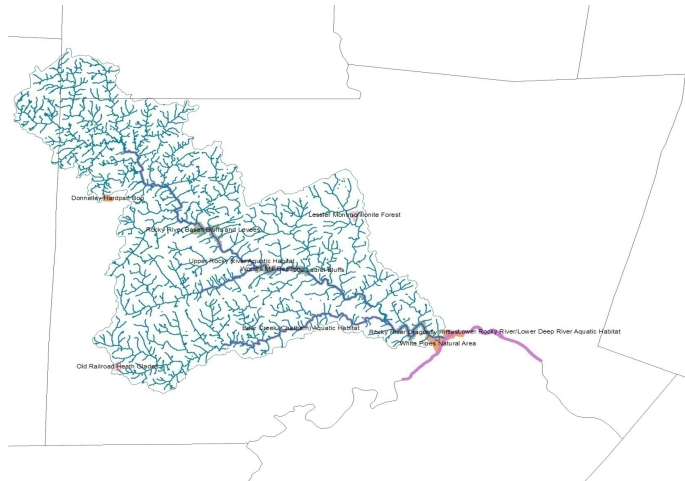
Three Nationally Significant Aquatic Habitats have been identified by the NC Natural Heritage Program: (a) Upper Rocky River, (b) Bear Creek and (c) Lower Rocky River/Deep River Aquatic Habitats.

8 Natural Heritage Sites are listed by the N. C. Natural Heritage Program:

Woods Mill Bend,

Basalt Bluffs & Levees,

Laurel Bluffs & Mussel Beds, Dragonfly Riffles,
 Lesser Montmorillonite Forest, Donnelly Hardpan Bog,
 Old Railroad Heath Glades, White Pines Preserve.



Rare and Endangered Species: The Rocky River is home to (a) the federally listed endangered Cape Fear Shiner, (b) 5 North Carolina listed threatened or endangered mussels and (c) the world’s largest population of Septima’s Clubtail Dragonfly. The river is also the site of regionally rare Mountain Laurel, White Pines, Galax and Otter.

In The Past – A Healthy River: People have lived along the river for about 12,000 years. Europeans settled the area in the early 1700’s. Thriving communities grew up around water-powered mills. Thirty-one such mill sites have been found. In the past, the river was clean & teeming with life!

Protect the Rocky River

Now - A Stressed River: Water quality studies conducted by the Upper Cape Fear Basin Association and the NC Division of Water Quality say the Rocky River ecosystem is severely stressed by (a) pollution such as excessive nitrogen and phosphorus and toxic metals such as mercury, (b) sediment from farms and developments and (c) low stream flows due to dams and severe droughts caused by climate change.

Nutrients: The river is stressed by excessive nitrogen & phosphorus from the Siler City Wastewater Treatment Plant. A major source of these nutrients appears to be the Townsends & Pilgrim’s Pride chicken processing plants - the largest water & wastewater users in Siler City.

Nutrients: Excessive nitrogen & phosphorus result in large algae blooms from May to December. As algae dies & decays it depletes dissolved oxygen & harms aquatic life which needs oxygen to survive. During warmer months, excessive nutrients cause the Siler City upper reservoir to be eutrophic.

Nutrients: The Upper Cape Fear Basin Association 2000 – 2004 “Water Quality Trends Analysis” revealed that mean nitrogen values of the **Rocky River** exceed those of the **Haw** and **Deep Rivers** & that mean phosphorus levels exceed those of the **Haw River**. For comparison purposes it should be noted that sections of the upper Haw & the Jordan Lake arm of the Haw have been designated as “impaired” by the State of NC

River	Mean Total Nitrogen 2000-2004	Mean Total Phosphorus 2000-2004
Rocky River	5.3mg/l	.31 mg/l
Haw River	2.9 mg/l	.23 mg/l

Deep River	2.6 mg/l	.42 mg/l
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Nutrients: Upper Cape Fear River Basin Association. 2003-2006 water quality reports show that:

- a. Total nitrogen levels were at least 7 times higher below the Siler City/Loves Creek wastewater discharge site than above the site and
- b. Total phosphorus levels below the discharge site were at least 3 times higher than above the site.

Similarly, 2001-1006 data from the NC Div. of Water Quality showed Nitrate + Nitrite levels were over 7 times higher below the site (34 mg/l) compared to above the site (4.7 mg/l).

Nutrients: Agricultural runoff from farming activities, including livestock operations, also add nitrogen and phosphorus to the Rocky River.

Unless operated properly, poultry operations can add excessive nutrients to the Rocky River and its tributaries.

Nutrients: Sludge from area waste water treatment plants is applied throughout the Rocky River watershed. Fifty-two such sites have been permitted to date.

Unless applied properly, nitrogen and phosphorus from sludge can contaminate nearby streams and the Rocky River. Regulatory oversight of sludge application in North Carolina often is minimal.

Other Pollutants: According to the NC Division of Water Quality and Siler City, other contaminants since 1998 include excessive fecal coliform bacteria and toxic metals, such as mercury, zinc & copper. The 2003 Siler City Wastewater Treatment Plant (WWTP) monitoring reports revealed mercury discharges 375 times higher than permitted limits. In 2005 acid rhodamine B dye from the Acme McCrary textile plant released by the Siler City WWTP turned the river red for miles below Loves Creek.

Siler City Wastewater Treatment Plant: Between 1999 & 2003, the NC Department of Environment & Natural Resources found that pollutants discharged by the Siler City Wastewater Treatment Plant exceeded permitted levels 38% of the time. Such violations have contributed to Loves Creek being placed on the State 303D list of severely impaired streams. Loves Creek is the Rocky River tributary that receives Siler City wastewater discharges. Numerous violations have continued to date.

Sediment: The river is being damaged by sediment. Sediment reduces the ability of aquatic life to find food and take in oxygen. Most sediment now comes from farms and land clearing activities, such as highway and building construction. As water lines are extended in the watershed, much more sediment will come from developments.

Reservoirs damage the Rocky River by reducing flows: The upper Rocky River reservoir built in 1989 reduces high flows necessary to cleanse the river and replenish wetlands. Once the new lower Rocky River reservoir is completed in 2009, damage resulting from reduced high flows will only increase.

Rocky River Reservoirs Degrade Water Quality: During extreme drought (Tier 3) periods, the Siler City upper reservoir releases **350,000+/-** gallons per day (gpd). By contrast, the Siler City Wastewater Treatment Plant downstream at Loves Creek discharges **2,500,000+/-**gpd. The result is degraded water quality in the Rocky River below Loves Creek. The new lower reservoir will not change this situation.

Reduced Flows Due To Droughts: The river also is threatened by increasingly severe droughts brought on by climate change.

As the planet heats up, the Rocky River will experience more droughts leading to more record-breaking low flows and an increasing loss of aquatic life.

Enjoy the Rocky River

Seven Tasks: Despite these threats, Chatham County residents still have a chance to restore and enjoy the Rocky River. This will involve seven tasks.

The First Task is to upgrade the Siler City Wastewater Treatment Plant

The Siler City Wastewater Treatment Plant needs to be upgraded so it can remove most of the nitrogen and phosphorus (e.g. 90% +/-) & other pollutants.

This upgrading includes (a) reducing stormwater inflow & infiltration into sewer lines that result in overflows at the WWTP & (b) better pretreatment of wastewater at the poultry plants.

The Second Task is to use water more efficiently.

- (a) The Townsends & Pilgrim's Pride chicken processing plants typically account for 55% - 60% of water and wastewater used in Siler City. These two firms could increase water recycling and reduce consumption by approximately 50%. This would reduce the amount of water taken from the Rocky River.
- (b) Greater use of treated wastewater (i.e. gray water) for lawn irrigation and agricultural purposes could also reduce the need for raw water drawn from the Rocky River.

The Third Task is to reduce agricultural sources of nitrogen and phosphorus from agricultural sources.

The Fourth Task is for the North Carolina Environmental Management Commission to designate the Rocky as a "Nutrient Sensitive" river. This designation will require reduced nutrient levels.

The Fifth Task is for Chatham County and Siler City to enact better soil erosion control ordinances that are enforced.

The Sixth Task is for Chatham County and Siler City to enact and/or enforce better stream buffer and storm water control ordinances.

The Seventh Task is for Chatham County to enact zoning ordinances for the entire Rocky River basin that (a) anticipate climate change impacts & (b) protect both economic and environmental values.

By completing these seven tasks Chatham will increase its chances of having a beautiful river that supports (a) abundant fish & wildlife, (b) great recreational opportunities, (c) higher property values and (d) more local government revenues.

Stakeholders Group:

The Chatham County Board of Commissioners has formed The Rocky River Stakeholders Group. The purpose of the group is to recommend ways of improving water quality in the Rocky River so that everyone can use and enjoy the river.

You can help protect the Rocky River by urging Chatham County, Siler City, Senator Bob Atwater and Representative Joe Hackney to work with the Stakeholders Group to:

- (a) get the Rocky River designated as a "Nutrient Sensitive River" by the North Carolina Environmental Management Commission; and
- (b) locate funds to help upgrade the Siler City Wastewater Treatment Plant and to clean up other sources of pollutants in the Rocky River.

You can help protect the Rocky River by joining the Rocky River Heritage Foundation & its sister organization, the Friends of the Rocky River. Dues are \$15.00 per individual & \$25.00 per family. Contact Diana Hales, Treasurer (919) 663-2372; PO Box 314, Pittsboro, NC 27312.

The Rocky River Heritage Foundation (**RRHF**) is a non-profit 501C-3 research and educational organization focusing on the Rocky River. All contributions to the RRHF are tax deductible.

The Friends of the Rocky River (**FORR**) is a non-profit 501C-4 lobbying and educational group focusing on the Rocky River.

(End of Power Point.)

Peter Theye discussed a map of the Rocky River which showed all the little streams that flow into it and stated that Allison Weakley's email described the importance of protecting those little tributaries.

Allison Weakley stated that Mr. Theye was referring to information which she sent out in an email to the Environmental Review Board, Board of Commissioners, and Planning Board regarding a new study that had come out on the importance of small streams and the removal of nitrogen.

Chairman Lucier stated that he believed that, as that is why they encouraged the Environmental Review Board (ERB) to look at the effects of protecting ephemeral streams and why they took the Environmental Review Board recommendations and enacted buffers on these streams a couple of months ago.

Ms. Weakley stated that this just affirms their forward thinking about watershed protection.

Ms. Hales answered questions from the public.

COMMISSIONERS' REPORTS

Resolution of Assistance to Siler City with Closing of Pilgrim's Pride:

Commissioner Thompson moved, seconded by Commissioner Vanderbeck, to adopt **Resolution #2008-_____ of Assistance to Siler City with Closing of Pilgrim's Pride**, attached hereto and by reference made a part hereof.

The Chairman read the resolution in its entirety.

Commissioner Thompson amended the motion to include a letter to be sent along with the resolution to Congressman Etheridge and Price, Senator Atwater, and Speaker of the House Hackney asking them for any assistance that they can offer the County at this time.

Commissioner Vanderbeck seconded the amended motion.

Commissioner Thompson stated that he would like to see the staff publicize what the Board is doing as much as possible including the measures that the County is taking to assist Siler City in the situation.

Commissioner Vanderbeck stated that there was still a lot of information regarding the impact of the situation from the Governor's Response Team which has just been cleared to assess the situation; that they are working with the Department of Commerce to see what they can do; that the Economic Development has been assigned to that task; that County staff has been checking with the Siler City Town Manager's Office and other people involved to see what can be done regarding potential impacts; that the County Extension Office has been involved; that he has made calls to a number of people regarding this as one of the things that this does not mention, in general, is how they are resolving to take any appropriate action; that a lot of these things that come with this is just to those eligible under federal and State funds; that there a lot of people and families that are going to fall through a hole that is not mentioned where they don't have all the proper documentation; that they are trying to get a

handle on approximately how many of those people could be impacted and what, if any, actions could be taken to help them; that he thinks that as soon as a little more information is available, they will be happy to share it.

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

The County Manager stated that he would see that the final version of the resolution and corresponding letter is transmitted to the press and that the press release will be generated immediately. He further stated that the latest information he has affecting poultry growers is that the way that they are going to structure the continuation of the growers is to reduce their income by approximately 30%; and that it will be precarious for the next couple of years.

Commissioner Thompson stated that he will be representing Central Carolina Community College and meeting with the Rapid Response Team and will report back to the Board of Commissioners regarding that meeting.

MANAGER' S REPORTS

The County Manager had no reports.

ADJOURNMENT

Commissioner Vanderbeck moved, seconded by Commissioner Thompson, to adjourn the meeting. The motion carried five (5) to zero (0), and the meeting adjourned at 8:25 PM.

George Lucier, Chairman

ATTEST:

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