

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
WORK SESSION
AUGUST 18, 2008

The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met in the Henry Dunlap Building Classroom, 80 East Street, located in Pittsboro, North Carolina, at 3:00 PM on August 18, 2008.

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

Work Session

1. Triangle Rural Planning Organization (TRPO) Transportation Improvement Plan (TIP) 2011-2017
2. Durham Chapel Hill Carrboro Metropolitan Planning Organization (DCHCMPO) TIP 2011-2017
3. Bicycle Pedestrian Element for DCHCMPO 2035 Long Range Transportation Plan (LRTP)
4. SWAC Grazing Card Recommendation
5. Planning: Major Corridor Work Schedule
6. Update on Subdivision Zoning and Related Moratorium Issues

Chairman Lucier called the meeting to order at 3:00 p.m., and announced that Item 4 would be discussed prior to Item 1.

SWAC GRAZING CARD RECOMMENDATION

Sherry Yarkosky, Solid Waste Advisory Committee Member, provided information regarding the Grazing Card Program and the SWAC recommendation to cease the program. She stated the program was implemented by the County about ten years ago in an effort to promote reuse of metal material; that currently there were 460 card holders; that over the years it had become a lucrative enterprise for some card holders to comb landfills in search of materials to sell; that the number one issue was safety, as retrieving material required people to climb into the scrap metal bins to access the material; that behavioral problems associated with citizens fighting over scrap metal at the convenience centers had been reported; and, that the County was experiencing lost revenue due to these circumstances.

Chairman Lucier stated the SWAC was recommending that the Grazing Card Program be discontinued. He asked if the Board decided to discontinue to program, could the County sell the scrap metal. The County Manager stated he believed they should conduct a pre-audit to determine how they might proceed.

Commissioner Cross asked when the current cards expired. Bob Holden replied the cards had two-year cycles, and would all expire in December, 2009. Commissioner Cross asked if the card holders paid a fee. Mr. Holden stated the initial fee was \$10. Commissioner Cross stated the holders should be able to use their cards for the entire life of the card or get their money back.

Commissioner Barnes stated he would not want to wait until December 2009 to discontinue the program, adding he was sure all the card holders had gotten their \$10 worth. The Finance Officer noted it would be problematic to try to refund the fees.

Commissioner Vanderbeck stated he agreed with Commissioner Cross, that the cards should either be allowed to expire or that the County refund the fee and then cancel the program.

Chairman Lucier asked how many of those 460 card holders had already had their cards renewed at least once. Mr. Holden replied as of 2007, the number of new card holders was 128. Chairman Lucier suggested they could refund only those 128, not the full 460. The County Manager stated that was correct. Chairman Lucier stated those 128 card holders could be refunded a prorated amount.

Commissioner Thompson stated the County should know without question what its liability issues were regarding safety as mentioned by Ms. Yarkosky, specifically was the County sufficiently covered should someone get injured during retrieval of metal from a convenience center. The County Manager stated the County's liability coverage was adequate for such occurrences.

Commissioner Barnes stated when citizens caused problems at the convenience centers, the staff had to deal with that instead of doing their jobs; that the card holders waited at the convenience centers for people to bring in the scrap metal, and retrieved it immediately in a bid to get it before someone else did; that they then took it to a scrap metal yard and sold it; that that was not the intent of the program, in that the intention was for students and artists to use the scrap metal for art; and, that persons come into the convenience centers with trailers and block that section of the site, producing traffic problems and arguments with other users of the site. Commissioner Barnes noted the program had become a disruption and a problem and it needed to be fixed.

Commissioner Thompson stated he understood the concerns, but there were students who used the scrap metal, and if there were citizens who could make some money recycling the scrap metal he was not against that. He asked were the other problems associated with the program really that big of a problem or were they just a few scattered incidents at some sites.

Commissioner Vanderbeck stated he had witnessed at one site someone climbing into the bin as well as someone opening the door, and you did not know what was on the other side of that door. He said at times the door to that long, deep bin had been left opened. Commissioner Vanderbeck stated that could cause an unknowing person to become seriously hurt. He suggested that someone could start up an incubator business to recycle the scrap metal by advertising pick-up of scrap metal at private locations, but not at the County's facilities. Commissioner Vanderbeck stated that many times these people come to a facility and park for long periods of time, waiting for scrap metal to be brought in, and sometimes come back several times during the day.

Ms. Yarkosky stated she had visited the Cole Park site this morning at 11:00 AM, and the attendant had told her that three persons had already come and taken all the scrap metal available.

Commissioner Vanderbeck stated this was supposed to be an Enterprise Fund that paid for itself, but that was not happening; and, that caused the fees for the general public to have to be raised to cover the expenses.

Ms. Yarkosky stated she had compiled some estimated figures on how much the County was losing; that the conservative estimate was 305 tons of scrap metal; that the low end would be \$18,000 and the high end would be \$60,000; that that did not include transportation costs; and, the County could set up routes and do curbside collections and sell the scrap metal itself. She stated she had talked with other Counties who ran such programs, and they had reported it was "easy money."

Chairman Lucier stated one question was should the Grazing Card Program end. By consensus, the Board agreed. Chairman Lucier stated the next question was when it should end.

Commissioner Vanderbeck stated it should end as soon as possible, in an equitable manner.

Commissioner Barnes stated they should post signs at all the centers announcing the end of the program in the next 30 days or at whatever date the Board chose.

Chairman Lucier stated the next question was did they refund money to the card holders who had paid the fee during the last cycle, which was 128 individuals.

Commissioner Thompson stated he believed that money should be refunded. Mr. Holden stated that the card holders had signed a statement which said the Grazing Card Program could end at any time with no refund.

Commissioner Vanderbeck stated in that case, he had no problem with adhering to that policy and giving card holders advance notice that the program was ending. Mr. Holden stated that would be no problem. Commissioner Vanderbeck stated that the fee was only \$10, and the card holders had most likely more than gotten their money's worth.

Commissioner Thompson agreed that if the individuals had signed such a policy, then the County was on solid ground; and, he agreed that ending the program in 30 days was acceptable.

Commissioner Vanderbeck asked was it worth advertising the end of the program in the local newspaper.

Chairman Lucier stated that Mr. Holden had suggested sending out a letter to the 460 card holders announcing the end of the program. He stated that may cause some people to react badly, but some were acting badly when they went to the sites to retrieve the scrap metal. He agreed that since the program was ending prematurely, it would be wise to send out a letter as a matter of courtesy.

Commissioner Thompson stated it should be articulated in the letter why the program was being discontinued and apologized for that. Chairman Lucier agreed.

Commissioner Barnes moved, seconded by Commissioner Vanderbeck, to end the Grazing Card Permit Program and send out letters to inform the card holders that the program would be ending effective October 01, 2008, with the final day of grazing on September 30, 2008. The motion carried five (5) to zero (0).

Commissioner Vanderbeck stated that regarding electronics, it was important that they oversee what was being put into the scrap metal bins so that chemicals or other harmful items were not present. He stated that in February of next year, they should expect to have quite a few televisions disposed of as well, and they should be ready to deal with that. Mr. Holden stated that as far as electronics, they did hold waste events to deal with that. He stated they also had a "swap shop" where people recycled such items.

Chairman Lucier stated there were chemicals such as thallium that could be fairly toxic, to people and the environment.

Commissioner Vanderbeck stated there was a kind of unsanctioned grazing program, and he was not trying to discourage that, but if such chemicals were placed in the recycling area then they would not know if electronics containing chemicals were being disposed of properly. Mr. Holden stated they were mainly collecting computer monitors at the centers, not the computer terminals themselves, which was where the harmful chemicals were located. He stated as far as televisions, there were converter boxes available so he did not know if they would have an influx of televisions early next year.

Commissioner Vanderbeck thanked the Solid Waste Advisory Committee for providing plastic recycling at Cole Park, stating it was wonderful not to have to put such material in the landfill.

TRIANGLE RURAL PLANNING ORGANIZATION (TRPO) TRANSPORTATION IMPROVEMENT PLAN (TIP) 2011-2017

DURHAM-CHAPEL HILL-CARRBORO METROPOLITAN PLANNING ORGANIZATION (DCHCMPO) TIP 2011-2017

Jason Sullivan stated that Commissioner Vanderbeck was the County's representative on the Triangle Rural Planning Organization (TRPO) Transportation Improvement Plan (TIP) as well as the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHCMPO) TIP; that the programs were funded through seven-year cycles by the State; that they identified projects that they wanted to have done over that seven-year period and that funding was in place to have that happen; that a part of the process was to have member jurisdictions submit projects

for consideration; that those projects were then rated by the Department of Transportation; and, at this time it was appropriate for the County to submit a list of those projects it wanted to have considered for funding. Mr. Sullivan stated the MPO schedule called for that information to be submitted by October 1; that the RPO had not yet set a deadline; and, that ultimately all projects had to be submitted to DOT by the end of the year. He stated the RPO would likely need to have the list to them in the next couple of months.

Chairman Lucier stated the last list the County had for the MPO included Highway #751 north of the County as well as the upgrades to Jack Bennett Road, Lystra Church Road, and others. But, he said, they were not ranked very high because of the ranking methodology. Chairman Lucier stated last year Highway #751 was ranked ahead of the improvements to Jack Bennett Road and Lystra Church Road, but he had the power to switch their priority and he had done so. He asked when they did the next submittal, should the County express their preference in ranking. Mr. Sullivan replied the organizations had previously sent out ranking sheets that could be used to list their ranking preference, or they could simply submit the information and let the organizations do the rankings.

Chairman Lucier stated they were not required to use their ranking methodology if they chose not to, adding that given the methodology did not favor Chatham County then perhaps they should not use it; that once the rankings were completed the County could then challenge some of those assignments which were based on the elements of the projects, and perhaps that would be the most effective way to go; and, that he did not believe the staff would have to time to spend on the rankings. Mr. Sullivan stated the staff did not have the data or the technical expertise to do the rankings according to the methodology.

Commissioner Vanderbeck asked if the County's new position had a transportation element to it and would have that kind of time.

Chairman Lucier stated the new position had three elements - transportation, affordable housing, and green building. He stated that \$75,000 had been put into the budget for those elements, and the demands of those categories would grow as the stresses and demands on the County grew.

Commissioner Vanderbeck also spoke to what had been discussed several months ago regarding a Transportation Advisory Committee, noting the input of such a committee would provide invaluable help. He stated there were definite needs for public transit, bikeways and pedestrian paths, and those kinds of priorities were becoming higher on the list. He stated they needed help to address that.

Chairman Lucier asked if something would be coming back at the September 3rd meeting. Mr. Sullivan stated that was their plan, and could have a resolution ready for adoption at the September 15th meeting. Chairman Lucier stated they would go over the rankings on September 3rd and discuss the projects.

Commissioner Vanderbeck asked if the current rankings would be honored at least until the end of the year.

Chairman Lucier responded they probably needed to set up another joint meeting with Cary, and asked Mr. Megginson about the status of that. Mr. Megginson stated they continued to work on the stormwater study, and hoped to have something to report in September. He said he hoped to set up a joint meeting in late fall to go over that study.

Sally Kost, Planning Board Chair, asked where they were in the queue as far as the Chatham County Transportation Plan updated by the State. She stated the last she had heard they were second or third in the queue. Ms. Kost stated if they were looking at improvements, it seemed to her that the Transportation Plan was an integral part of that.

Mr. Sullivan stated that Lee County had been ramped up, with Moore County next, then Chatham County, and then Orange County.

Chairman Lucier stated that would not help them for this cycle, but perhaps it would for the next cycle. Ms. Kost agreed, noting that without the updated Transportation Plan data, it would be hard to identify exactly what needed to be done.

Mr. Sullivan said that the Transportation Plan to which Ms. Kost had referred was the guiding document, but for them it was the Thoroughfare Plan and their official document had been prepared in the 1980's. Mr. Megginson added that one had been prepared in the 1990's but never adopted.

Commissioner Cross stated that Pea Ridge Road was on the list to be widened with bike lanes, but that road was repaved last year and he did not know if it included bike lanes. Mr. Sullivan stated he did not believe bike lanes had been included when that road was repaved. Commissioner Cross stated that there was a bridge area at the end of Pea Ridge at Old US Highway #1 that had not been repaved, and it was in terrible shape. He said another project was four lanes and bike trails on Highway #15-501 South, and wondered if they really wanted bike trails on a four-lane highway.

Commissioner Vanderbeck stated if they were going to provide bike lanes, he would prefer to provide them on less heavily traveled and more scenic roadways. Mr. Sullivan stated that on the bike route map, four-lane roadways had to sometimes act as connectors.

Commissioner Cross stated that he and many others were not sure exactly what bicycles were supposed to be doing when on the roadways. He asked if bicycle groups knew they were supposed to ride single-file, or did they just ignore that. Mr. Sullivan stated bicycles had just as much right to be on a road as a vehicle. Commissioner Cross asked then why did they need bicycle lanes if they could ride on the entire road. Mr. Sullivan responded to provide them a safer place to ride. He stated he had observed a number of bicyclists on Highway #15-501 North on Sunday mornings.

Ms. Kost asked if the bike lanes being proposed were actually on the roadway or did they run beside the roadway. Mr. Sullivan responded that typically they were provided on a wider shoulder of the road.

Ms. Kost stated she had seen bike trails provided beside major thoroughfares, and believed they were highly effective. Mr. Sullivan stated they could include that in the list and propose separate trails.

Commissioner Vanderbeck stated they had put in a resolution to the RPO to try and get transportation between Pittsboro and Chapel Hill moved up on the priority list.

Chairman Lucier stated it appeared to him that the issue of Chatham being included in both organizations was still unresolved, noting that Cary was contained in both. Mr. Sullivan stated that was correct. He stated between the MPO members, there was an agreement that projects would go through CAMPO.

Commissioner Vanderbeck asked if Mr. Sullivan would be attending the meeting on Wednesday. Mr. Sullivan replied he planned to do so.

Chairman Lucier stated at a June MPO meeting he had been unable to attend, that apparently a Fearington Road study had been presented which dealt with the intersection of Fearington Mill Road and NC #54 where it intersected I-40, adding that was not in Chatham County. He said he had asked that a presentation be done for Chatham County, and they had agreed. Mr. Megginson stated he believed that report would be presented to the Commissioners on September 15th.

Chairman Lucier stated there had also been some talk about Jack Bennett Road being used to funnel traffic in that direction, and that apparently would happen with Briar Chapel.

Commissioner Vanderbeck asked that the Commissioners be given color copies of the map provided.

BICYCLE PPEDESTRIAN ELEMENT

Mr. Megginson stated that the Long Range Transportation Plan, which contained a bicycle and pedestrian component, was good through 2035 but was updated every five years; that the three roads listed as projects so far were Mount Carmel Church Road, Old Fearington Road, and Highway #15-501 South; and, that the bicycle map was originally prepared for recreational

purposes to provide a scenic route through the County, but the map now was used for transportation purposes as well as recreational purposes. He asked if the Commissioners wanted to amend the list in any way.

Commissioner Vanderbeck called attention to Bike Route 5, from Orange County on Jones Ferry Road that then turned onto Crawford Dairy Road, then hooked onto Chicken Bridge to Old Graham Road. He stated that route had many bikers as well as memorials and crosses on the roadsides indicating where bikers had been hit. Commissioner Vanderbeck stated that there was research that proved that providing bike routes contributed to economic development. He stated that the maps used by DOT were out of print, with no plans to reprint them.

Chairman Lucier stated that in the table, the mileage appeared to be incorrect on some of the listings. He stated for instance, NC Highway #751 at the Durham County line and ending at US Highway #64 was listed at 3.2 miles; and, that was much longer than 3.2 miles. He said he believed what they had done was included only the area that was a part of the MPO, and that should be clarified. Mr. Megginson stated both the MPO and the RPO needed to be involved, since that would cover the entire distance.

Chairman Lucier stated they needed something to integrate both of those activities, and asked was there any benefit to the County to expand the MPO to include everything north of US Highway #64 and east of Highway #15-501.

Commissioner Cross stated he believed it would be to their detriment, because Chatham County had only one vote on the board of sixteen.

Chairman Lucier asked where the American Tobacco Trail was on the map. Mr. Megginson said it was not shown, but ran east of Highway #751 and west of NC Highway #55. Chairman Lucier asked was that part of what Cary was doing for the County. Mr. Megginson responded that was correct.

Ms. Kost stated that the construction contract had been let by Cary, and believed it would be finished sometime next summer.

Chairman Lucier determined that Mr. Megginson wanted the Board to look over the list and be prepared to discuss any changes at the September 3rd meeting. Mr. Megginson said that they could have Andy Henry with the MPO staff come on September 15th to discuss the various elements of the Long Range Plan, then at the work session on November 17th they could discuss the preferred options that they come up with. Chairman Lucier stated he believed the MPO would be holding a public hearing on those preferred options sometime in September in Durham, as well as a meeting scheduled for Friday, August 22nd. Mr. Megginson stated the August 22nd meeting was being rescheduled.

Commissioner Vanderbeck stated that meeting should be advertised. Mr. Megginson stated it would be. Commissioner Vanderbeck asked that it be placed on the County web site as well.

MAJOR CORRIDOR WORK SCHEDULE

Mr. Megginson stated they wanted feedback from the Board as to when they wanted to begin this effort. He noted they had about 13 property owners who they had heard nothing from; 60 who had said yes, they wanted some or all of their property rezoned; and, 6 who had said no. Mr. Megginson said they were unsure just how much the property owners knew or understood, and what the tax implications might be. He said as people think about their tax bills they may rethink whether or not to request that their property be rezoned.

Commissioner Vanderbeck stated that had been brought up during the meetings. Mr. Megginson stated that was correct, adding he believed the Board would want to schedule another meeting to hear from those property owners before something went into effect.

Chairman Lucier stated a part of that was what the staff could handle, taking into account the work on the Subdivision Ordinance and Zoning Ordinance, integration of the performance standards for environmental concerns, and the like, as well as the work load of the various advisory boards who were working on those issues. He stated the Board would like to get it

done as soon as possible, but also understood that they needed to be realistic about the work that entailed. Chairman Lucier stated once other projects got to a certain point, then they would like to move forward with this, and agreed they would need to schedule another public hearing for those property owners to comment further. He asked if the hearing for that overlay district could be held separately from the Major Corridor meeting. Mr. Megginson replied doing that would require two separate mailings to the same people, since the overlay would affect the same property owners. He stated it would be the staff's preference to do that as one.

Chairman Lucier asked Mr. Megginson to create a schedule based on what staff time would permit. Mr. Megginson stated considering the current workload, he believed they could schedule a meeting for the property owners sometime in February, then working out from that date. He said that way the schedule would not interfere with the winter holidays. He stated if the Board was not opposed to that, then he would create a proposed schedule for the Board to consider.

Ms. Kost stated that the Planning Board had completed its work and made its recommendations on the Major Corridor Ordinance, so the hold-up at this point was the rezoning of the 75 properties.

Chairman Lucier stated then the public hearing would include both the rezoning of the existing businesses plus the overlay district in the Major Corridor ordinance. He asked should the meeting be held prior to February. Mr. Megginson stated that would cause some concerns for staff in terms of notifications and providing staff time to respond to questions prior to the meeting.

Chairman Lucier stated he believed the Commissioners needed time to look over the Major Corridor Ordinance as well, and should schedule a work session to do that. Ms. Kost stated she expected the Board would want a summary of what the Planning Board had done, and Paul Black should be able to produce that.

Chairman Lucier stated Mr. Black's schedule would have to be taken into account, but did not believe the Board would need to wait until February to begin its work on the Major Corridor Ordinance. He stated they could potentially begin that process in December.

Commissioner Barnes stated February was six months away, and believed that was too long a time to wait to deal with the existing businesses, particularly since the public hearing had been held in May.

Commissioner Thompson suggested they have the meeting in December as opposed to February.

Chairman Lucier agreed those businesses may feel that they were in limbo. The Board spent some time looking at the schedule to determine when the process should begin. Mr. Megginson said he believed once the Board had the meeting with the property owners, that the Board would want to go ahead and do whatever it had decided to do. He suggested it would be pushing the staff to try to do that prior to the end of the year.

Loyse Hurley stated that since there was confusion among the 79 non-conforming property owners and the existing businesses, and they knew almost nothing about the Major Corridor Study, to keep the two issues separate may be the better way to go. She suggested meeting with the non-conforming property owners in October or November, then hold the Major Corridor meeting after that.

Chairman Lucier stated of the 79 non-conforming properties, most would not be contentious but there would be a few people who would want to speak. He stated the trick would be to identify which of those 79 properties the rezoning would be contentious and somehow separate those out and do them separately. Chairman Lucier stated there could be two public hearings in one, the first to deal with non-contentious properties en masse and then deal with the contentious properties.

Commissioner Vanderbeck stated that had been suggested several meetings ago, and Mr. Megginson was to work on a process to do that. He agreed they should meet prior to the end of the year, and then work on the Major Corridor Ordinance.

Commissioner Barnes stated he understood Mr. Megginson's concerns, but if you looked at it from the view of the general public, February was too long to wait.

Chairman Lucier stated he believed all 79 property owners needed to be given some additional tax information so that they could make a better informed decision about what they wanted. He stated that would serve to guide the Board at the public hearing, although he did not know what to do about the 13 from which they had received no contact.

Chairman Lucier stated they had made multiple efforts to contact and inform those property owners, and they could only do so much; that those properties were non-conforming, which took no action; and, what they were dealing with were the other 66 rezonings, and if they had information on tax impact and desired zoning classifications then that was all they needed.

Commissioner Vanderbeck said to get those 13 property owners to respond was to reiterate that it would not cost any more to have property rezoned than it did now.

Ms. Kost said one issue she had heard was that if someone had 13 acres on NC Highway #87, with only one acre used for business, would that require that it be surveyed and separated out to show two parcels. Mr. Megginson stated a map would need to be provided showing the area being zoned, and it would not have to be surveyed.

The County Manager stated that issue had come up before, and according to the attorney no survey was required.

Chairman Lucier asked was it possible to have the meeting with the property owners in November. Mr. Megginson responded yes. Chairman Lucier stated they understood about the work loads, but they wanted to get everything in place as quickly as possible. Mr. Megginson stated there were two meetings in November dealing with the ERB and the Planning Board, so their time was already scheduled.

The County Manager stated that the Board's schedule called for meetings on November 3rd and November 17th.

Chairman Lucier stated then perhaps they needed to wait until the first of the year. Commissioner Thompson agreed. Mr. Megginson stated that if they met in November and made a decision in November, then they could hold the public hearing in December or January, adding they would need four to six weeks to get the notices out. Chairman Lucier stated that public hearing would be a special meeting, not held on a regular meeting day. Mr. Megginson stated that the notices could likely go out around the holidays, with the public hearing scheduled for early January. Chairman Lucier asked was there a reason the public hearing could not be held in late January. Mr. Megginson replied that State law required that notices be mailed no sooner than 15 days before the meeting and no longer than 25 days before the meeting.

The County Manager suggested the notices could be mailed the last week of December.

Chairman Lucier stated he believed it would take two meetings for the Board to go through it, and then they would send it down to the Planning Board. Ms. Kost remarked that the Planning Board would have a short turnaround time to get it back to the Commissioners with their comments and recommendations.

Chairman Lucier stated he did not believe this issue and the Major Corridor issues would be happening at the same time, so that should not be a problem. He stated he did not believe they would get to the Major Corridor issues until much later, perhaps late March. Chairman Lucier stated in other words, they would take care of the property rezonings quickly, and the Major Corridor Ordinance much slower.

Commissioner Thompson stated he believed they should look at November and pick a date.

Chairman Lucier stated that November 20th was a potential date for the meeting with the property owners, and that the property owners would need to receive information regarding tax impacts prior to that meeting. Mr. Megginson stated that prior to sending out the notices, the Board would have to decide exactly how a particular property would be rezoned so that it could

be included in the ad. Chairman Lucier stated that was correct, noting that many would be straight forward but a few would not. He stated once that was done, they could call for the public hearing.

The Finance Officer reminded the Board that the tax information the property owners received prior to the November meeting would change on January 1, 2009.

Commissioner Vanderbeck stated that the tax impact would be approximate information. The Finance Officer agreed.

Chairman Lucier stated that obviously the property values would change, but if the taxes County wide went up dramatically, the tax rate would go down.

Attorney Sullivan stated there had been a comment made that the nonconforming properties would be able to expand existing businesses, but would not be able to change their businesses to some other business without permission from the Board. He asked if that was expressly allowed. Chairman Lucier stated that was expressly allowed in the subdivision ordinance.

SUBDIVISION ZONING AND RELATED MORATORIUM ISSUES UPDATE

Mr. Megginson stated that the Planning Board Subdivision subcommittee was meeting on Wednesday to finish its work; that the Planning Board would be meeting on August 28th to address both the zoning ordinance draft and the subdivision ordinance draft; that Paul Black would be submitting more information at that time; that so far they were still on schedule; that draft language would be submitted at the Planning Board's September 2nd meeting and sent to the County Attorney; and, that they had met with the environmental consultant a couple of times and gotten information regarding specific criteria to be inserted in the ordinances.

Attorney Sullivan stated that instead of saying they had natural areas they wanted to protect and they wanted to regulate the uses in that space, it was more of a zoning activity. He stated that at a later time they could look at creating an overlay district to provide another avenue of protection. Attorney Sullivan stated that what the consultant was focusing on now was looking at the subdivision ordinance and what could be done there to address concerns regarding those natural areas. He stated it was possible that some protective language could be added to the erosion control ordinance as well as the subdivision ordinance to protect such areas.

Ms. Kost stated one of the things the Subdivision subcommittee had looked at was conservation subdivision incentives, and wanted to make sure that staff and the consultant were following what they had done so that they were not "reinventing the wheel." Mr. Sullivan stated that was one part he was trying to play; that is, trying to make sure that did not happen. He said an example was that last week he had discovered that a Tree Protection Ordinance was in the works.

Chairman Lucier asked if they were doing a Tree Protection Ordinance. Mr. Megginson stated it had been proposed by Paul Black, but there were some legal issues that needed to be addressed. He stated that they were now taking a look at that.

Ms. Kost stated that both the Zoning and the Subdivision subcommittees were recommending a Tree Protection Ordinance.

Chairman Lucier stated he was not opposed to that, but for now was worried that there were other priorities. Ms. Kost stated that it could certainly be delayed and brought back up at a more appropriate time. Mr. Sullivan agreed.

Commissioner Vanderbeck stated that was only a recommendation, so they could deal with it at any time. Mr. Sullivan stated when time allowed, that issue as well as others could be addressed. The Board briefly discussed other recommendations and expectations regarding the various ordinances under review, and how those might affect the use of land.

David Hughes, Public Works Director, stated he believed there was some expectation that the County would regulate endangered species areas and habitats, and they had experienced

some difficulty in the legalities of that and trying to fit them into a subdivision ordinance. He stated in relation to zoning, it was an awkward fit.

Mr. Sullivan agreed, noting with all the ordinances, they were adding language that was the maximum of what they believed was reasonable to address that.

Chairman Lucier stated there were different levels in the standards; that the species themselves were not a performance standard but were a consequence of a lack of adherence to a performance standard; that then there were things like clearing on steep slopes, or clearing large amounts of land with steep slopes without adequate protection; and, then there were species problems when there was runoff into a creek. Mr. Sullivan agreed, noting protection of water quality was already regulated, and another benefit was the protection of the aquatic life in the stream as well.

Chairman Lucier stated if they did a good job on sedimentation and erosion control then the species would be protected. Mr. Sullivan stated that was correct, and that was a lot more clear cut than just saying their purpose was to protect something. He stated the indirect benefit of the separate ordinances was total protection.

Mr. Hughes stated there may be a stand of trees on a particular piece of land, and it would be very difficult to protect such a forested area. He said it was important that people understood what the various ordinances protected.

Chairman Lucier stated his approach was that he wanted preventive strategies in place, and instituting appropriate controls would prevent problems. He stated that was where the emphasis needed to be in the ordinances. Mr. Sullivan stated he believed that was everyone's focus.

Ms. Kost stated the timeline called for the ERB to consider the performance standards this week.

Mr. Hughes stated they wanted to fine tune the expectations so that everyone understood in what direction they were going. He stated that many of the standards were straightforward, but some would require discussion regarding the legal authority.

Commissioner Thompson agreed with Chairman Lucier that the preventive strategy approach was best.

Commissioner Vanderbeck stated they could only do the best they could do, although they would not please everyone. He stated that by instituting those ordinances and performance standards they would be closer than they had ever been to providing the necessary protection. Mr. Sullivan stated there had to be an understanding that these may not be the "end all/be all", but that they were moving ever closer to that.

Commissioner Barnes asked had the date been set for the farm tour. The County Manager replied it was set for October 3rd.

SILK HOPE FIRE DEPARTMENT

The County Manager stated that the Silk Hope Fire Department was in the process of planning a new fire station; that the typical process called for the Fire Department to notify the County regarding calling a public hearing; that the County would approve it and set the date; that the Fire Department would hold the public hearing; that they would listen to and respond to any opposition; and, then they would borrow the necessary funds. He stated that the Fire Department had not done that; that they had held the public hearing but the County had not set the date; that they had not had any opposition to the \$1.6 million proposed building; that the bank would not approve the loan unless the Fire Department obtained a letter of approval from the County; and, the Fire Department was now requesting that the County issue that letter of approval so that they could move forward, borrow the funds, and proceed with construction.

Commissioner Barnes moved, seconded by Commissioner Cross, to give the Silk Hope Fire Department approval to borrow money to construct a new fire station. The motion carried five (5) to zero (0).

CHANGE OF MEETING DATE

Chairman Lucier stated that there had been a suggestion that the daytime September 2, 2008 meeting be moved to September 3, 2008 beginning at 9 AM, due to a scheduling conflict with one of the Commissioners. There was no objection from the Board.

By consensus, the Board agreed to move their originally scheduled Tuesday, September 02, 2008 Board of Commissioners' meeting date to Wednesday, September 3, 2008.

RECESS

The Chairman recessed the meeting to the County Manager's Conference Room for dinner at 4:52 PM.

The Board discussed the job market during dinner.

ADJOURNMENT

Commissioner Vanderbeck moved, seconded by Commissioner Thompson, to adjourn the meeting. The motion carried five (5) to zero (0), and the meeting was adjourned at 5:44 PM.

George Lucier, Chairman

ATTEST:

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