

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
SEPTEMBER 15, 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 September 15, 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

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 6:06 PM.

AGENDA AND CONSENT AGENDA

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

Chairman Lucier asked that Item #20, Consideration of a request by Polk-Sullivan, LLC for subdivision final plat approval of “**The Glens, Phase I**” (fka McBane Property), consisting of 9 lots on 15 acres, located off SR #1520, Old Graham Road, Hadley Township, be removed from the Agenda.

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

1. **Minutes:** Consideration of a request for approval of Board Minutes for regular meeting held September 03, 2008 and work session held September 03, 2008

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

2. **Tax Releases and Refunds:** Consideration of a request to approve taxes and refunds, attached hereto and by reference made a part hereof.

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

3. **Funds Acceptance for Health Department:** Consideration of a request to accept funds in the amount of \$48,000.00 awarded to the Chatham County Health Department in recurring additional General Aid-to-County funds

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 \$2,500.00 awarded to the Chatham County Health Department from the North Carolina Public Health Foundation

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

5. **Funds Acceptance for Environmental Resources:** Consideration of a request to accept funds in the amount of \$40,000.00 awarded to the Chatham County Public Works Department, Environmental Resources Division, from the Clean Water

Management Trust Fund to fund the development of a Watershed Protection Plan, letter attached hereto and by reference made a part hereof.

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

6. **Funds Acceptance for Sheriff's Office:** Consideration of a request to accept funds in the amount of \$12,756.00 awarded to the Chatham County Sheriff's Office to initiate middle school and summer components of the G.R.E.A.T. program, email attached hereto and by reference made a part hereof.

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

7. **Charging Off 1998 Tax Bills:** Consideration of a request to charge off 1998 tax bills

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

8. **NC DENR Forestry Services Agreement:** Consideration of a request to approve NC DENR Forestry Services Agreement, attached hereto and by reference made a part hereof.

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

9. **Final Plat Approval of "Bingham Ridge, Phase 2":** Consideration of a request by J&B Partners, LLC for final plat approval of "**Bingham Ridge, Phase 2**", consisting of 15 lots on 26 acres, located off SR #1536, Lamont Norwood Road, Baldwin Township

As per the Planning Department and Planning Board recommendation (by unanimous vote), final plat approval of Bingham Ridge, Phase 2 was granted as submitted due to the plat meeting the requirements of the Subdivision Regulations with the final approvals of other agencies.

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

10. **Resolution Supporting TIP Projects:** Consideration of a request to adopt **Resolution #2008-50 in Support of Projects to be Included in the Transportation Improvement Program (TIP) 2011-2017 for Projects in Chatham County in the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization**, attached hereto and by reference made a part hereof.

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

11. **Deer Run Water Line Extension:** Consideration of a request to approve the Deer Run Water Line Extension project bid to Thomas Construction of Lee County, Inc. in the amount of \$113,043.10, letter, certified bid tabulation, and probably cost estimate attached hereto and by reference made a part hereof.

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

12. **Work First Planning Committee:** Consideration of a request to appoint the Work First Success Committee as the Work First Planning Committee; and Consideration of a request to appoint Sandy Coletta as the Board of Commissioners' representative to the Work First Planning Committee, committee list attached hereto and by reference made a part hereof.

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

13. **Letter of Appreciation to the Honorable Bob Atwater:** Consideration of a request to approve the letter of appreciation to the Honorable Bob Atwater for his support in obtaining the Clean Water Management Trust Fund grant and the Parks and Recreation Trust Fund grant awarded to Chatham County, attached hereto and by reference made a part hereof.

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

14. **Letter of Appreciation to the Honorable Joe Hackney:** Consideration of a request to approve the letter of appreciation to the Honorable Joe Hackney for his support in obtaining the Clean Water Management Trust Fund grant and the Parks and Recreation Trust Fund grant awarded to Chatham County, attached hereto and by reference made a part hereof.

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

END OF CONSENT AGENDA

PUBLIC INPUT SESSION

Dr. Rita Spina, Vice President of Chatham Communities for Effective Communities (CCEC), 12 Fearington Post, Pittsboro, NC, spoke to the Board and her comments are listed as follows in their entirety:

“My name is Dr. Rita K. Spina, and I am VP of CCEC (Chatham Citizens for Effective Communities) Major development will continue to have a significant impact on traffic along 15-501. I am NOT a traffic expert; rather a citizen involved for over 5 years in looking at new and potential ways to preserve some of the unique qualities of the area of Chatham as it grows and expands its needs.

The DOT presented their new plan for this Corridor on September 3rd to the Chatham Board of Commissioners. It was an excellent presentation that allowed for the actual movement of cars in “real time”. Basically they introduced the need for “synchronous” lights and defined 15-501 as meeting the standards of a “Boulevard”.

We came here tonight mainly to offer some “Out of the Box” ideas to address our concerns so that “synchronous” traffic lights are only PART OF THE SOLUTION TO the significant growth of traffic along 15-501.

1. We desperately need significant bus service from Pittsboro through to Chapel Hill. (and Siler City to Pittsboro). We literally have NO public transportation today. In order to accommodate buses along with fast moving traffic, we are suggesting that the DOT assert their right of “eminent domain” and develop a series of parallel access roads in the higher commercial areas along 15-501. This will reduce traffic on the road and is in order to assure safe pick up areas as bus traffic attempts to merge into high density speeding traffic, should stops, other than park and rides be used;
2. Since Chatham is basically a rural county, there are significant numbers of bike riders and there is a growing effort to get more cars off the roads and diminish pollution. It is important to develop more and wider bike lanes along this Boulevard. Right now bikes can be hazardous even in lighter traffic;
3. For the past year a Major Corridor Task Force, appointed by the Chatham County Board of Commissioners, has been working on a significant, new ordinance for many roads in the County, including 15-501. It will come up for approval shortly. It supports the wish of the county to remain rural and scenic along our byways. We suggest that this draft Ordinance be reviewed by the DOT so they can understand the County’s thinking in this area;
4. We recommend that there be a joint meeting between the County and the town of Pittsboro and eventually the DOT. We need to assure that the development of traffic in the ETJ area of Pittsboro from Rte 64, through the 64 By-pass and up to the Haw River Bridge, is held to the same criteria as recommended in the Major Corridor Task Force Ordinance.

CCEC has a couple of additional requests directed to the Board of Commissioners:

1. Please have the new Community Development Department up and running as soon as possible; the transportation position needs to be filled immediately in order to be part of discussions with the DOT;
2. Now that you know that the DOT will listen to your concerns about driveway permits, please utilize this communication tool should you have questions about 15-501 or any other driveway permit. As usual, CCEC will certainly let you know when we see any potential problems.

CCEC appreciates the fact that this Board actually listens and is responsive to its citizens.”

Chairman Lucier stated that he believes that the Commissioners are very supportive in the recommendations that they were making; that they had the meeting with the Town of Pittsboro, Chatham County, Chapel Hill Transit, and others to develop a bus route system between Pittsboro and Chapel Hill, up to the hospital and university; that it is their intention to have this up and operating early next year; that some grant money has been received for it; that details are being worked out with Chapel Hill Transit who will operate the system; that it is expected that there will be three morning and three afternoon times that the buses will be operating to capture most of the commuting traffic; that the stops would be somewhere in Pittsboro, somewhere near the Highway #64/15-501 bypass, and one in Briar Chapel; that the intent will be to see how it goes for about a year and then it would be revisited; that the hope is to have so many riders that the service will have to be expanded; that that will be looked at after the one-year trial period; that he is confident that it will work; that the County is also part of the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization which makes recommendations to NCDOT regarding road priorities in the northeast part of Chatham County, Durham, and Chapel Hill; that they are developing, with Chatham’s help, both a long-range transportation plan as well as the 2011-2017 Transportation Plan; that in both cases, there are upgrades to Highway #15-501, including a bike and pedestrian access and also some of the other roads i.e. Highway #751; that there are upgrades to the Jack Bennett and Lystra Roads, etc.; that while NCDOT funds are limited, the Board is trying to get its priorities “bumped up” as far as they can so that some of the things can be done; and that the Board appreciates Ms. Spina’s comments.

BOARD OF COMMISSIONERS MATTERS

Resolution Honoring Olympic Medalist: Consideration of a request to adopt
Resolution Honoring 2008 Olympic Medalist Shalane Flanagan

Chairman Lucier stated that the following resolution was one which he had been looking forward to, honoring the County’s Olympic medalist, Shalane Flanagan, at the Beijing Olympics. He congratulated Ms. Flanagan on her accomplishments in winning the Olympic bronze medal for her brilliant run in the 10,000-meter finals on August 15, 2008, becoming the first American medalist in that event since 1992 and serving as only the second American since 1984 to win any Olympic medal in a race longer than 800 meters.

Commissioner Thompson moved, seconded by Commissioner Barnes to adopt **Resolution #2008-51 Honoring 2008 Olympic Medalist Shalane Flanagan**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Ms. Flanagan stated that she was very honored to receive the award; that they are really excited to be living in Chatham County; and that they have felt so much support over the past few years and since they have been home.

Ms. Flanagan received a standing ovation from those in attendance.

Public Hearing:

Public Hearing on 2009 Schedule of Values: Public hearing to receive public comments on the 2009 Schedule of Values

Tina Stone, Chatham County Tax Administrator, explained that a copy of the Uniform Schedules of Values, Standards, and Rules to be used in appraising real property for the next scheduled revaluation, effective January 01, 2009, was presented to the Board of Commissioners on September 03, 2008 and is open for public inspection; and that as required by NCGS 105-317(c)(2)(b) upon receipt of the proposed schedules, the Board is required to hold a public hearing at the night's meeting.

The Chairman opened the floor for public comments.

There was no one in attendance who wished to make public comments.

Funds Acceptance for Parks and Recreation Department: Consideration of a request to accept funds in the amount of \$218,000.00 awarded to the Chatham County Parks and Recreation Department from the Clean Water Management Trust Fund to purchase a conservation easement at the Northeast District Park

Commissioner Barnes moved, seconded by Commissioner Vanderbeck, to accept funds in the amount of \$218,000.00 awarded to the Chatham County Parks and Recreation Department from the Clean Water Management Trust Fund to purchase a conservation easement at the Northeast District Park. The motion carried five (5) to zero (0). A copy of the letter is attached hereto and by reference made a part hereof.

PLANNING AND ZONING

Preliminary Plat Approval of "The Parks at Meadowview, Phase 2": Consideration of a request by The Parks at Meadowview, LLC for subdivision preliminary plat approval of "**The Parks at Meadowview, Phase 2**", consisting of 182 lots on 173 acres, located off Old Graham Road, SR #1520, Center Township

The Planning Director explained that "The Parks at Meadowview" was approved in 2005 and is subject to the 1994 Watershed Protection Ordinance requirements; that at the time of initial approval, the property was located in an unzoned portion of Chatham County; that the property is now zoned RA-40; that the project was approved as a Planned Unit Development to allow for clustering of lots to include lots ranging in size from 5000 square feet to 40,000 square feet allowing for approximately 475 acres total of open space/60% of the total acreage; that the open space is to include meadows, amenities and natural buffer zones for wildlife habitats; that the development is located south of the Chapel Ridge development and is property that had been managed for timber production in the past; that the project is proposed to have two entrances, one on NC #87 that will require turn lanes and one off SR #1520, Old Graham Road; that approvals for the turn lane(s), public road section (from Highway #87 North to the round-a-bout in Chapel Ridge) and the commercial driveway permits have been issued by NCDOT in the previous approvals; and that a copy of the sketch design notes for "Meadowview" can be found on the Planning Department web page for year 2005. He listed the previous Board actions are as follows:

- 05-16-05: Board of County Commissioner sketch design approval of "Meadowview", consisting of 715 lots.
- 05-15-06: Board of County Commissioner approval of a revision to "The Parks at Meadowview" Planned Unit Development to *add approximately 155 acres (Harris Tract) to the PUD and to increase the total number of residential units by 139 to a total for the entire PUD of 739.*
- 09-18-06: Board of County Commissioner subdivision final plat approval of Phase One-A, consisting of 97 lots on 145 acres.
- 11-20-06: Board of County Commissioner subdivision final plat approval of Phase One -B, consisting of 72 lots on 110 acres.
- 09-24-07: Board of County Commissioner subdivision preliminary and final plat approval of Phase 2A, consisting of 61 lots on 34 acres. *The developer has not recorded this final plat at this time and is including Phase 2A in this submittal* A condition of approval of Phase 2A by the Board of County Commissioners was "Any required environmental

monitoring report shall be provided to the local County office of the Health Department and to the Environmental Review Board”.

Mr. Megginson stated that Attachment # 2, E-mail from Nick Robinson, Attorney, dated September 2, 2008, addresses the reason that the preliminary/final plat for Phase 2-A was not recorded. Phase 2A, consisting of 61 lots was to be sold to a separate builder; that this did not happen and the developer is now 3 requesting Phase 2A be incorporated back into Phase 2 which is in conformance with the original sketch design plan and within the development schedule; that the developer is requesting preliminary plat approval for Phase 2 consisting of 182 lots on 173 acres. Lots are to be accessed internally by private roads to be built to the NCDOT standards; that the shared entrance off Highway #87 North for Chapel Ridge and The Parks at Meadowview will be constructed to public; state maintained standards up to the clubhouse round-a-bout in Chapel Ridge; that Note # 15 on the Phase 2 preliminary plat incorrectly states “All roads to be *public* and built to NCDOT standards and specifications”; that this note will be changed on the final plat to read “All roads to be *private* and built to NCDOT standards and specifications”; that other agency reviews and approvals as required for preliminary plat review have been received as follows:

NCDWQ Pressure Sewer Extension - June 12, 2007
NCDENR Authorization to Construct - March 13, 2007
Water Main Extension
CHATHAM COUNTY Erosion Control - April 25, 2007
Letter of Approval

(The above permits may be viewed on the Planning Department web site at www.chathamnc.org; click on Departments and Programs, Planning, Rezoning and Subdivision Cases, 2008.)

He stated that The Parks at Meadowview, Phase 2; that the internal water and sewer systems are private and are provided by Aqua North Carolina; that wastewater is treated at the Buck Mountain Wastewater Treatment Plant to a tertiary level and effluent will be discharged by a spray irrigation system on both the Chapel Ridge golf course and meadows within Meadowview residential community; that on July 31, 2007 Michael S. Harwood, P. E., with Aqua North Carolina, stated that “Aqua North Carolina has adequate water and sewer capacity available to serve and will provide service to the anticipated population of Phase 2 of the Parks at Meadowview; that the Chatham County Emergency Operations Office has approved the road names ‘Parkway Drive’, ‘Adventure Lane’, ‘Discovery Drive’, ‘Pine Straw Place’, ‘Eagles Nest Loop’, ‘Grassy Knoll Court’, ‘Misty Glen Lane’, and ‘Daisy Drive’; that stream buffers within a WS-IV-Protected Area under the 1994 Watershed Protection Ordinance were required to be a minimum of 50 feet in width measured from the top of bank landward; however, the developer has provided a 100-foot stream buffer per side, measured from the top of the bank landward, along streams shown on the US Geological Survey as intermittent or perennial; that Nick Robinson, attorney for the developer, notified Mr. Robert Logan, Superintendent of Chatham County Schools, on July 11, 2008 of the development proposal and requested any comments regarding the roadways. Staff has not received any comments; and that there were four conditions of sketch design approval as follows:

1. Prior to submittal of the preliminary plat for review, the feasibility of access to the properties of Alston, Harris, Holt and Lutterloh shall be evaluated. *Lots within Phase Two are all interior to the subdivision; therefore, this condition does not apply to this phase.*
2. Due to the possibility that Chatham County may add this subdivision to its distribution system, the development must exceed Heater Utilities specifications and meet Chatham County’s specifications as required in Chapel Ridge regarding the materials used in water main materials and installation. *This condition has been deleted per a resolution to the Chatham County Water Policy adopted by the Board of County Commissioners in August, 2006. Resolution #2006-41.*
3. Detailed stormwater plans shall be provided and approved by the County prior to preliminary approval. *The engineered stormwater plans were submitted to the County Planning staff on April 6, 2007. Said plans were forwarded to the County Public Works Director. The*

County does not enforce stormwater regulations but relies on the consulting engineer's certification of the plans. Per Joe Faulkner, RLA, CE Group, Inc., the stormwater devices are designed to capture the first 1" of rainfall rather than 0.5" as currently required by the Subdivision Regulations.

4. Any required environmental monitoring reports shall be provided to the local County office of the Health Department. *This condition will be complied with as the project continues.*

Nick Robinson, speaking on behalf of the applicant, stated that he appreciated the Planning Board's unanimous recommendation and would be happy to answer any questions from the Board.

Sally Kost, Planning Board Chair, stated that even though the Planning Board had a unanimous vote, it was a difficult decision for them; that they did consider this item at two different meetings; that some of their concerns were more "gut" feelings as opposed to what the law allowed to be approved; that they were advised that legal issues surrounding it were not something that they could consider.

Commissioner Vanderbeck stated that considering the Board of Commissioners has up to sixty days in which to act on this matter, that he would ask that the Board continue or delay hearing this matter until at least until the next Board of Commissioners' meeting and to see how things play out.

Commissioner Vanderbeck moved, seconded by Commissioner Thompson, to continue or delay action on this matter until the next evening Board of Commissioners' meeting to be held on October 20, 2008.

Commissioner Cross asked the purpose of tabling this issue.

Commissioner Vanderbeck stated that in discussions with the County Attorney, they do not know how it will legally play out; that they don't know it will even affect the final decision on this preliminary phase; but that there is some time allowed in this so there is no harm in allowing it to play out a little bit as to the legal issue.

Commissioner Cross stated that he had heard that the legal opinion could not be considered and that that is why the Planning Board approved it.

Chairman Lucier stated that the advice to the Planning Board was that they could not consider it, but that the Advisory Board is a little different from this Board which is making the decision; that he is wondering if the same advice that was given to the Planning Board is relevant to the Board of Commissioners; that his question is, as the Governing Board of Chatham County, is there any way that they could be adversely impacted by any of the litigation going on against the LLC.

Attorney Rose replied that he did not think so; that he has looked at the pleading in the case; that they appear to be a private contract between the developer and some purchasers in the subsidy; that the matter is in litigation and there are allegations; that it will be decided through the court system; that it has already been referred into arbitration; that so long as the subdivision makes the requirements of the County ordinance, the County has the right to defer action on it as there is nothing that requires the Board to take action; that he is uncertain that it will have any bearing on what the County can require; that they have to meet the County Subdivision Ordinance requirements; that the requirements mentioned in the litigation are above and beyond what the County did or can require.

Commissioner Vanderbeck asked, for clarification, if there was anything to be gained from deferring the item. The County Attorney restated that he didn't know that there was any harm nor anything to be gained; that only the passage of time would tell that; that he doesn't think that the litigation is going to be resolved one way or the other before the Board's next meeting.

Chairman Lucier stated that the other question he had was, due to the possibility that Chatham County may add this subdivision to its distribution system, the development must

exceed either utility specifications or Chatham County's specifications as required in Chapel Ridge regarding the materials used in water main materials in installation; that this condition was deleted by resolution to the Chatham County Water Policy adopted by the Board of Commissioners in 2006; that this is before he was a Commissioner; that he wonders why this was done.

The Planning Director stated that as earlier mentioned, the system is not part of the County system and it connects to Pittsboro's system; that it is unlikely that the County would take over part of the Town of Pittsboro's water system; that from what he recalls from this, the County required higher standards than the State requires; that as long as the State had standards for the water system and it was not anticipated that it would be part of the County system, it was changed; that they were anticipating what the Town of Pittsboro and the State would require; and that the County didn't want to be reviewing lines that had built-on lines that it probably would not be taking over. He stated that it was put in to begin with because they did not know the standards of the State versus the County.

Chairman Lucier stated that it would make sense to him to have the systems be as compatible as they can in terms of the standards and specifications between the Town of Pittsboro, the County, and other municipal governments; and that he is not convinced of the wisdom in removing the language in 2006.

Commissioner Barnes stated that the County did not want to supply the infrastructure but would supply water; that as far as water lines, the County does not have any control over the Town of Pittsboro's policy; that they are supplying the water and it meets their standards; and that there is no way that the County can make Pittsboro adopt the County's standards.

Chairman Lucier stated that the County could require the applicant to meet the County's standards for the water distribution system. The Planning Director stated that there was an issue with regard to the meters; that the County required a certain type of meter and that the rest of the Aqua system was using a different kinds of meters; that they met the State standards; and that Mark Ashness, as a civil engineer, was involved in this process.

Mr. Ashness stated that his recollection was that what was stalled in that particular area was C900 and ductile iron; that one of the points they made was that even in the western system, there was C900 used there; that they are not installing SDR21Class200 which is what would be considered by the State to be the bare minimum PVC pipe; that they are actually using the same as the County is using in the western system which is the C900 which is a thicker-wall PVC; that in areas of higher pressure, they are using ductile iron pipe; that that was done throughout Chapel Ridge as well; that it exceeds the minimum standards which are placed on it; that it is not the County's specific standards, but it is actually a standard that the County uses for its own system in the western part of the County.

Commissioner Vanderbeck stated that it was his recollection that the valve locations were different from either utilities versus how the County would put in the valves had it been their system, which has nothing to do with who supplies the water, Pittsboro or not, within the subdivision that is the prerequisite of whomever authorizes the subdivision.

Mr. Ashness stated that was correct; that since he has left Chatham County, he thinks that the County's position on how the water line is run in cul-de-sacs has changed approximately four times from going straight in to looping completely to looping through the bowl, etc.; that if jurisdictions are looked at through the region, Durham wants water lines installed under the pavement; that most jurisdictions want water lines installed just outside the edge of the pavement due to the fact that it is under pressure and one can get access to it; that Commissioner Vanderbeck was correct in stating that there were some issues regarding the valve placement which are operated and maintained by Aqua of NC.

Commissioner Vanderbeck asked for one other clarification, stating that he didn't think that this was particular to when the other change was made as it may be broader than Chapel Ridge and parts of Meadowview, it may be with those developments that are served by this general utilities, so in as much the language is in on this phase, it still goes to any developments that are tied to water systems served by Chapel Ridge waste water and water facilities. Mr. Ashness replied that this was correct. He stated that he thinks whatever happened was when this issue came up, was when some of the other projects on Old Graham

Road were introduced and then there was the discussion of the entire system in having a system that was commonly located.

Chairman Lucier stated that he had not had time to review the map and that he would support a motion to defer.

Commissioner Vanderbeck stated that he would welcome additional time to review it; that as long as the Board had the sixty days to review, he feels that it would be ok to take the some time to defer it.

Commissioner Barnes stated that it is unusual that the unanimous vote of the Planning Board and Planning Department recommend granting preliminary plat approval in Phase II of 182 lots, Condition #2 states that "Due to the possibility that Chatham County may add this subdivision to its distribution system, the development must exceed Heater Utilities specifications and meet Chatham County's specifications as required in Chapel Ridge regarding the materials used in water main materials and installation. *This condition has been deleted per a resolution to the Chatham County Water Policy adopted by the Board of County Commissioners in August, 2006. Resolution #2006-41.*" He stated that the way he understands it, that when this was done and the reason for the change, was that the County was not going to supply the water; that Pittsboro was going to supply the water so it was their choice of materials if they were running the water line; and that he wants to know the Planning Board's consideration of this item.

Sally Kost, Planning Board Chair, stated that she didn't believe that they even discussed it because they knew that the policy had been changed.

Commissioner Barnes stated he gives the Planning Board credit for hearing it; that if it doesn't affect the County, but if it is a non-issue, he doesn't understand why the Board wants to make it an issue.

Chairman Lucier stated that he would like to have it deferred due to the fact that he hasn't had time to review it in detail; that it was a complicated issue; that the Planning Board kept it for two months and that there is nothing wrong with the Board of Commissioners keeping it for two months.

Chairman Lucier called the question. The motion carried three (3) to two (2) with Commissioners Cross and Barnes opposing.

~~**Subdivision Final Approval of "The Glens, Phase I":** Consideration of a request Polk Sullivan, LLC for subdivision final plat approval of "The Glens, Phase I" (fka McBane Property), consisting of 9 lots on 15 acres, located off SR #1520, Old Graham Road, Hadley Township~~

This item was removed from the Agenda.

Public Hearings:

Public Hearing Request for Text Amendment to Watershed Ordinance: Public hearing to receive public comments on a request from Richard Weston-Jones for a text amendment to the Chatham County Watershed Ordinance, Attachment A, Permitted Uses, to add "Owner-occupied bed and breakfast homes with no more than two (2) rooms/units for rent to stays no longer than seven (7) consecutive days and located on legal, non-conforming and conforming lots of record, on at least one and one half (1.5) acres, which may have standard set backs as set in the district in which they are located."

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

Public Hearing for Text Amendment to Watershed Ordinance: Public hearing to receive public comments on a request from Fernando & Meredith B. Cardenas for a text amendment to the Chatham County Watershed Ordinance, Attachment A, Permitted Uses, to add "Horse Veterinary Clinics on tracts of and greater than ten (10) acres"

Wade Barber, attorney for the applicant, reviewed the applicants qualifications stating that Dr. and Mrs. Cardenas moved to Chatham County approximately ten years ago; that they have successfully lived and worked there and it may be that they are making the transition from a owner-occupied business to needing to obtain a special use permit. Mr. Barber showed a map of the property and building locations.

Dr. Cardenas stated that after graduating from veterinarian school in 1997, he and his wife opened an equine ambulatory business that they operated out of their home in Cary; that because they are very avid horsemen, their goal was to one day own some land where they could build their home and have their horses with them; that they were fortunate to find the land in 1997 in Chatham County and completed construction in 2004; that at that time, they filed for and were granted a home/office permit; that since that time, their business has grown in the number of veterinarians which they employ and the number of clients that they see; that the amount of officer personnel is still the same as when they started; that they employ three other veterinarians who keep their vehicles at their homes and come by to drop off invoices and restock their trucks; that they also employ staff to take care of the farm; and that knowing that horse waste and x-ray developer waste might be a potential concern for Jordan Lake, they have taken two measures to take it out of the equation: 1) They have the horse waste hauled off once per month; 2) They have gone to digital radiology that has no waste.

Mr. Barber stated that the ultimate purpose of this is so that Dr. Cardenas will not move his veterinary office back to Cary.

Public Hearing to Rezone Acreage in Baldwin Township: Public hearing to receive public comments on a request from Irene Faircloth Gattis and Joseph Mosnier dba Historic Mann's Chapel Event Center & Café to rezone approximately 4.545 acres, Parcel #62230 (1.4 acres) and Parcel #62254 (3 acres out of 6.61), Baldwin Township, located off Poythress Road and Lamont Norwood Road, from O & I (office and institutional) and RA-90 (residential/agricultural) to Conditional Use B-1 Business district.

Nick Robinson, 128 Hillsboro Street, Pittsboro, NC, attorney speaking on behalf of Irene Faircloth Gattis and Joseph Mosnier, stated that each are Chatham County residents who are before the Board today with an opportunity to approve rezoning for a new type of commercial enterprise; that Ms. Faircloth Garris and Mr. Mosnier are requesting that the County modify the zoning of the 1.54 acre Historic Manns Chapel Church Property from an Office and Institutional zoning classification to a conditional use B-1 district; that in addition, they are requesting a zoning change of an adjacent 3.0 acre parcel from RA-90 to a Conditional Use B-1 District; that the applicants are simultaneously requesting a conditional use permit for an eating and drinking establishment, a catering establishment and retail and events and uses customarily associated with such uses; that the details of those uses and the proposed site plan will be addressed in the public hearing relating to the requested conditional use permit.

Mr. Robinson stated that this first hearing will be their presentation of the inherent appropriateness of a conditional use business district at this cross-roads location; that using Section 17 of the Zoning Ordinance as their guide, their application has covered the required seven points; that they would like to spend the time allocated to summarize the fifth required element which is "the manner in which the proposed amendment will carry out the intent and purpose of the adopted Land Development Plan or part thereof."; that to begin with, this rezoning request is different from many of the rezoning requests the Board has had before them involving a request to rezone residential land to commercial; that in this case, they start with a piece of land that is zoned Office and Institutional; that under the current zoning, the owner could convert this land to use as an office or professional building, a hotel, motel or inn or even a funeral home with no zoning change required; that so any considerations such as whether this spot is appropriate for business take on less significance here where this spot is appropriate for business take on less significance here where office and institutional uses are already approved as a matter of right; that another way to say that is if one was to seek out a tract most appropriate for conditional use business zoning, one could hardly find a better tract than one that is already zoned for office and institutional uses.

Mr. Robinson stated that the property across the street for which the applicants seek rezoning from residential to Conditional Use Business is also a uniquely appropriate

candidate for business zoning in this area because the parent tract is already adjoined on the north by a conditional use B-1 tract; that the bottom line is that this requested rezoning is not a dramatic shift but rather foreseeable one at this cross-roads intersection; that turning to the appropriateness under the Land Use Plan, the plan repeatedly promotes "Cross-roads commercial uses"; that the Land Use Plan makes reference to "cross-roads" commercial uses in forms that "support rural character" no fewer than sixteen times; that no map designating cross-roads locations was ever adopted; that certainly this intersection is a cross-roads worthy of a modes community commercial center that is well-suited and proportionately designed to the surrounding environment; that this intersection is ideally located such that it is fed by virtually the entire northeastern corridor of the County (Poythress Road, Gilmore Road, and Damascus Church Road leading all the way into Smith Level Road) as well as a northwesterly section of the quadrant (Lamont Norwood Road, Hamlets Chapel Road, Jones Ferry Road, Crawford Dairy Road and Chicken Bridge Road); that patrons from northern Chatham County will be able to visit the project without ever driving US Highway #15-501; that keeping traffic and congestion off of Highway #15-501 while at the same time promoting commercial endeavors at cross-roads that serve the community captures the essence of the Land Use Plan and this location fulfills that objective.

Mr. Robinson stated that the Plan refers to eight square miles of economic development centers but, as previously mentioned, never included a map indicating the locations of the same; that their guidance for where economic development centers should be located is supplied by the multiple references to cross-roads community commercial endeavors; that the Plan refers to locations that should be considered as appropriate for economic development as including businesses "in the northern part of the County within the US #15-501 corridor"; that by definition, cross-roads commercial endeavors should not be on the main highway connector, but rather, at viable cross-roads intersections serving rural and residential areas; that this cross-roads commercial center is located within two miles of US #15-501 at a strategic crossroads; that as such, it is ideally located to conform to the Land Use Plan; that in fact, the Land Use Plan lays out benchmarks for determining suitable cross-roads locations and uses; that quoting the Land Use Plan, commercial cross-roads should allow "commercial uses as long as they are at a size, height, and scale that conforms to traditional rural commercial areas"; that *Land Use Plan, page 34*; that this land, comprising less than five acres at a historic rural crossroads meets this Land Use Plan benchmark; that this project simultaneously fulfills several Land Use Plan principles such as preserving rural character, promoting our historic heritage, land conservation, open space, sustainable business, eco-friendly utilities and combining farming and small business at a natural commercial crossroads; that the Land Use Plan also sets forth two fundamental policies, both of which are met by this proposal; that 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, page 27.*

In discussing Economic Development Centers, Mr. Robinson said that the Land Use Plan lays out the following additional principles:

- It encourages community compatible business. *Land Use Plan, page 27*
- A broad range of economic activities should be permitted. *Land Use Plan, page 31*

He stated that 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; that we stand upon the reasons for the rezoning offered in their application as required under Section 17; and that as additional support for the zoning district modification, they tender into evidence the application and materials filed with the application for a conditional use district and incorporate those into the record.

Chairman Lucier stated that his only concern was the sharp curve on the property. Mr. Robinson said that they had had one meeting on-site with DOT; that a traffic analysis has also been done on the property; that there have been extensive working and reworking of how the driveways would be set up and functioning in a way that they would work there; that somewhere in the curve area, there are reduce speed limit zones with signs posting the 15 MPH limit around the curve; that they will continue to be in conversation with the DOT regarding making the drive in the safest possible place; that three driveway accesses will be

reduced to two and make one of them one-way; and they will do everything they can to make certain that it is a non-issue.

Commissioner Vanderbeck asked if the signs were cautionary or regulatory signs. Mr. Robinson replied that he believed that they were cautionary signs.

Mr. Robinson answered questions from the Planning Board.

Public Hearing for Conditional Use Permit: Public hearing to receive public comments on a request from Irene Faircloth Gattis and Joseph Mosnier dba Historic Mann's Chapel Event Center & Café for a conditional use permit on approximately 4.545 acres, Parcel #62230 (1.4 acres) and Parcel #62254 (3 acres out of 6.61), Baldwin Township, located off Poythress Road and Lamont Norwood Road, for an eating and drinking establishment, a catering establishment, retail associated with the same, and for uses and structures customarily ancillary to such uses (including events and receptions)

The Chairman administered the oath to those in attendance who wished to make public comments during the remaining public hearings.

Nick Robinson, attorney, stated that on behalf of the applicants in connection with their conditional use permit application for the Historic Manns Chapel Events Center & Café; that he now wants to incorporate into the record their written comments on the CUD and their written application, as well as all of the materials submitted with the CUP application; that with him tonight are Irene Gattis, Joe Mosnier, Gus Beck, Mark Ashness and Rynal Stephenson. Mr. Robinson further stated so that he would 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.

Mr. Robinson stated that as far as the technicalities are concerned, what the applicants seek is approval of a B-1 conditional use permit and site plan approval for an eating and drinking establishment, a catering establishment (including events and uses customarily associated with such uses) and small associated retail; that he is genuinely excited to bring this project to the Board because it embodies precisely the type of project that the Land Use Plan envisions; that it is a thoughtful, conscientious project brought to the fore by local residents with a stake in Chatham's rich historical past but also in its long-term future; and that he will turn the podium over to Joe Mosnier who lives around the corner from the project and is one of the principal innovative thinkers that created this novel plan and concept.

Joe Mosnier, applicant, thanked the Board for the opportunity to speak before them. He stated that this project grew out of his association with the Faircloth-Gattis Family; the church was formally de-sanctified twenty years earlier; that over the years, an idea emerged to take the Faircloth Family farmland on Gilmore Road, reactivate the farm and return it to active life and connect it with the beautiful location for community outings; that by combining the two, the land and the church, open a farm to table café that would serve several important goals: 1) Answer the need to find a preservation strategy for the church; 2) Restore the church to its former function to give it life for a locality for community fellowship; 3) Connect to objectives to do smart things regarding sustainability and ecology to pick up Chatham's strength in small scale sustainable farming and innovative small business; that their objective is to only lightly touch the church as they are impressed by its beauty; that they have an objective to strive for LEED standards wherever possible; that they will limit water and energy use; that because they are committed to a set of local values, they intend to designate a percentage of their profits on behalf of local land preservation and local small farms through Triangle Land Conservancy and Carolina Farm Stewardship Association; that the farm would be a vibrant place where folks could visit and where the community could connect in a very tangible way to small farms and farming; that he is trained as a historian and very much interested in the history of the church community; and that they want to document it and carry it forth to visitors so that people will understand its role in the neighborhood.

Mr. Mosnier answered questions from the Board of Commissioners and Planning Board.

Gus Beck, 2128 Sunset Avenue, Durham, NC, landscape architect, provided proposed specifics of the landscape plan and answered questions from the Board of Commissioners and Planning Board.

Rynal Stephenson, 5808 Faringdon Place, Raleigh, NC, traffic engineer, summarized the findings of a Traffic Assessment (TA) prepared by Ramey Kemp & Associates, Inc. for the proposed Manns Chapel church Property located on the south side of Lamont Norwood Road at the intersection with Poythress Road in Chatham County, and stated that the purpose of this study is to determine impacts to the surrounding transportation system created by traffic generated by the development.

Mr. Stephenson answered questions from the Board of Commissioners and Planning Board.

Mark Ashness, CE Group, explained the following:

- Project comprises (2) parcels:
Parcel "A", Existing Church Site at 54,232 square feet (sf)
Parcel "B", across street at 122,098 sf
- Parcel "A" Summary
Exist impervious surface from Jim Holland survey, 18,703 sf
Remainder of Parcel "A" at 36%, 12,790 sf
Total available, exist and 36% of remainder, 31,493 sf
Total proposed, 30,000 sf
- Parcel "B" Summary
Parcel "B" available at 12%, 14,651 sf
Total proposed, 825 sf
- Total Project Combined (both parcels)
Available Impervious Coverage, 46,144 sf
Total proposed, 30,825 sf

Mr. Ashness stated that although Parcel "B" is within the R-90 watershed, it actually drains southwesterly to a tributary leading to Wilkinson Creek and the Haw River; and that they have utilized the 12% impervious limitation for Parcel "B".

Mr. Ashness answered questions from the Board of Commissioners and Planning Board.

Mr. Robinson entered into the record a letter from Triangle Land Conservancy who has reviewed the project and given their favorable opinion of the way this has been set up, a letter from Alison Hill and Tandy Jones who also excited about the project, and a letter from the Carolina Farm Stewardship Association in vigorous support of the project.

Mr. Mosnier, discussed the wastewater treatment system and the sufficiency of the system which they intend to use which was designed by Dr. Hal House.

Mr. Robinson stated that this Conditional Use Permit application and evidence certainly meets the five findings required to approve a CUP under the Chatham County Zoning Ordinance; that on behalf of The Gattises and Mr. Mosnier, he respectfully submits 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; and that they respectfully request that the proposed conditional use permit be granted.

Chairman Lucier administered the oath to Melissa Hill who wished to make public comments.

Melissa Hill, 3156 Lamont Norwood Road, Pittsboro, NC, stated that the only thing that concerns her is the location of the garbage cans on the property.

Mr. Mosnier stated that they intend to fully screen that area.

BREAK

The Chairman called for a short break.

Public Hearing for Conditional Use Permit: Public hearing to receive public comments on a request from Carolina Meadows, Inc. for a revision to the existing conditional use permit, Parcel #62114, 64734, 20033, 74450, located off Whippoorwill Lane, Williams Township, to develop the residual land within the existing boundaries to add 35 duplex villas and relocate the maintenance facility, reconstruct a new health care facility, and various other changes to existing structures and parking areas

Gray Styers, 1117 Hillsboro Street, Raleigh, NC, attorney, stated that in many zoning cases, we talk about the attributes and benefits of an entirely new, future project on completely undeveloped land, but in this case, the applicant is one of the best known, existing communities in Chatham County: Carolina Meadows, 167 acres north of Whippoorwill Road, between Farrington Mill and Mt Carmel Church a great residential, continuing care, retirement community, and a great contributor to Chatham County. He stated that Carolina Meadows was originally approved in 1983 as a Conditional Use PUD for 1000 residential units; that no one quite knows the history of why Carolina Meadows was approved as a Conditional Use, why the permit was written for a precise number of units, rather than simply a community of “up to 1000 units”, or why there was an expiration date by which a certain number of units had to be built, but those were the conditions of the permit, 500 units to be completed by 1989 and 500 to be completed by 1993; that there were amendments in 1983 in 1988 for an extension of the time frames, in 1993 to reduce the number of units to 850, in 1997 to alter the time frame, in 1999 to change the time for the residual acreage plan, and in 2002, to reduce the maximum number of units from 850 to 750; that the CUP has evolved and modified over time to allow the construction of its current configuration; that there has been no construction since 2005; that Carolina Meadows currently has 391 Independent Living (IL) units, 79 Assisted Living (AL) units, 90 Skilled Nursing (SN) beds; that today, Carolina Meadows needs to expand and upgrade its facilities to: 1) To meet demand for quality senior-living residences; 2) To improve the quality of its services; 3) To stay attractive vis-à-vis other retirement community in an attractive, environmental-responsible manner; that it was developed through a long-range strategic planning process that will be described later by Board Member and future Carolina Meadows’ resident, Paul Hardin.

Mr. Styers stated that they shared with and refined through input from residents of Carolina Meadows; that they conducted community meetings at Carolina Meadows on June 10, 2008 and on July 10, 2008, at which more than 400 persons attended each meeting; that they also presented these plans to the Governor’s Village Homeowners Association Board meeting on June 18, 2008 where all was well received; that the current CUP amendment is needed to realize the long-range vision and plans that have been developed goals and is the culmination of the work of many months by a skilled development team who was in attendance and whom he introduced as follows:

Applicant: Kevin McLeod -- not here because of death of his sister-in-law
Civil Engineer: Mark Ashness, CE Group
Architect: -- Bill Steele, Calloway Johnson Moore & West
Transportation Engineer – Rynal Stephenson, Ramey Kemp & Associates
Economic Analysis: Lucy Gallo, Miley Gallo & Associates
Neighborhood Impact Analysis – Nick Erpelding, Erpelding & Associates

Also in attendance were: Paul Hardin and Nick Robinson, Carolina Meadows Board Members

He stated that they all contributed to and prepared information in the application that has been filed with the County and/or evidence to be presented tonight in support of the application; that they will not all be speaking, but are all available for questions; and that Mark Ashness of the CE Group will summarize the applications; that in addition to the application details, they have worked to assess the potential impacts of the proposed changes at Carolina Meadows on the surrounding community and the County in general.

Mark Ashness, with the CE Group and resident of the Governors Village PUD, gave a presentation as follows:

Area "A": 70 villas / 35 duplex units, 42.5 Acres

- Existing wooded site with community soccer field for North Chatham Soccer League and existing Maintenance Facility for Carolina Meadows (CM) in southwest corner.
- Bounded by ACOE land and Aqua Regional Waste Water Treatment Plant (WWTP) to east.
- Existing CM duplex villas to north.
- Old Farrington (Mill) Road to south with Governors Forest on opposite side of road.
- Whippoorwill Lane to west with Governors Village on other side of road.
- Existing vegetation to remain along Old Farrington Road and landscape berms to be constructed where soccer field exists. Existing vegetation is comparable to vegetation buffer provided by Governors Forest on the other side of road.
- Berm along Whippoorwill Road will be expanded once maintenance facility is relocated.
- Pedestrian trail connectivity back into existing trail system within community.
- Proposed street system will match adjacent streets with villas to the north.
- Maintenance facility to be relocated adjacent to existing WWTP, northeast corner.
- Proposed impervious cover will be under 24% and stormwater structures are planned prior to concentrated flow entering the buffer.
- Wetlands have been field reviewed by ACOE and ephemerals reviewed by Fred Royal with County. Even though no subdivision of property is proposed, the recently adopted county stream buffer setbacks have been adhered to.

Area "B" Relocated Skilled Nursing Facility, 7.3 AC

- Skilled Nursing is a relocation of an existing facility. The new facility will exceed today's health care standard.
- Mature vegetation along Mt. Carmel will be retained with adequate buffer.
- Existing parking area in south west corner will be removed in place of more landscaping area at the entrance.
- Isolated wetland pocket on north side adjacent to Mt. Carmel Baptist Church ball field, we have proposed a 50' buffer to protect.
- Street system matches existing drives within CM's core facility area, asphalt with a concrete ribbon and grassed swale. Surface water from the Skilled Nursing facility will sheet flow into shallow grassed swales directed to existing adjacent channels and swales.

Area "C" Demolition and Improvements in Core Campus

- Facility currently lacks a formal entrance. A portion of parking field will be removed to provide a line of sight a direct access to the Main Building. Additional landscaping will be provided.
- The existing Skilled Nursing Area will be replaced with central staff parking and service area for core buildings. Additional green area has also been provided.
- The cafeteria will be expanded.
- There will be less impervious surface area within the core campus post improvements.

General Comments

- The 70 additional villas do not adversely affect the existing off-site roadway system. The elimination of traffic access to the soccer field in the Spring and Fall directly from Old Farrington Road more than offsets the minimal off-site traffic generation from the proposed villas.
- Adequate utilities surround the project already.
- The existing regional WWTP (Aqua NC) was recently updated and expanded to 350,000 GPD. The average daily flow from a recent monthly report is less than 150,000 GPD. This project will increase the wastewater flow by 15,000-22,000 GPD.
- The proposed improvements enhance the existing campus and surrounding area.

Mr. Ashness answered questions from the Board of Commissioners and Planning Board.

Bill Steele, 119 Brookstone Avenue, Winston-Salem, NC, Architect with Calloway Johnson Moore & West, spoke to the Board regarding the sustainable design competition and Carolina Meadows involvement. He stated that Advanced Energy is a non-profit agency established by the Governor of North Carolina; that through its Applied Building Science Team, it provides training, consultation and applied research to the energy industry with the goal of improving health, safety, durability, comfort and energy efficiency in houses and small commercial buildings; that Advanced Energy is the North Carolina coordinator the N.C. Sustainable Building Design Competition.

He stated that Carolina Meadows is a sponsor of the 2008 Competition, the 8th annual competition; that in August of 2007, Carolina Meadows and its architects, Calloway Johnson Moore & West, began working with Advanced Energy to develop the scope of this years Challenge; that the participating designers were given very detailed requirements for the design of a duplex Villa of approximately 4,050 square feet with a budget of approximately \$560,000.00; that Carolina Meadows committed to building the winning design in its proposed new Villa neighborhood; that the subjects of previous competitions have been Habitat houses with budgets of less than \$150,000.00, so the Carolina Meadows Villa offered this year's design teams a challenge of a much higher level.

Mr. Steele stated that the Competition winner was Cape Fear Community College; that other contesting teams were from NC State University, Forsyth Technical Community College, East Carolina University, Pitt Community College, Duke University, UNC-Greensboro and others; that there were 36 registered design teams; that 18 teams emerged from their local-level competition to be judged at the state level; and that the Cape Fear design will go on to compete in the National competition at *Greenbuild Boston* in November 2008.

Commissioner Thompson left the meeting.

Mr. Styers stated that Carolina Meadows residents are not heavy contributors to the road system; that they contribute only 6-8 additional trips at peak hour which translates to an incremental increase of one-second delay at the most congested intersection in the area; that there is no appreciable effect on the traffic in the area; that from the perspective of neighboring and nearby property owners, the character of the Carolina Meadows campus will essentially remain unchanged.”; that “If developed as proposed, issuance of the requested conditional use zoning amendment request will not 1) Impair the integrity or character of surrounding properties, and 2) Will not be detrimental to the health, safety, or welfare of the neighborhood or community.”; that the contribution to Chatham County economy, tax base, and community, the incremental impact of the changes will result in: 1) \$900,000 in annual economic activity (output); 2) \$335,000 in additional property taxes, and \$19,000 in sales taxes each year; 3) Carolina Meadows residents contribute \$100,000 in not-for-profit donations to the community; 4) And intangibles, such as volunteer time.

Mr. Styers and Mr. Ashness answered additional questions from the Board of Commissioners and Planning Board.

Mr. Styers stated that Rynal Stephenson, Transportation Engineer with Ramey Kemp & Associates, and Nick Erpelding, Neighborhood Impact Analyst with Erpelding & Associates would be available and happy to answer any questions.

Mr. Styers stated that they move into evidence in support of the CUP amendment request: 1) The application, the exhibits and maps that are part of the presentation and used in tonight's presentations, and all of the following reports: Lucy Gallo's Economic Impact Report, Rynal Stephenson's Traffic Impact Report, and Nick Erpelding's Neighborhood Impact Report.

Commissioner Vanderbeck asked if they were in contact with the Economic Development Commission when they were thinking about enlarging this business with regard to fourteen additional staff and any other jobs.

Mr. Styers stated that he was unaware of any communications that were used in the analysis; that at this point, they were looking at improved utilization; and that they will come from the expanded health facility.

Commissioner Vanderbeck said that if as stated, 60% of the sales tax would be generated within the County, that he was trying to rectify this when most of the people were traveling outside of the County to do their shopping and that he believes that this is quite a leap in faith to make this assertion.

Ms. Gallo stated that after reading the report regarding the sales tax estimate, she thinks that there is more of an effort to capture sales tax in Chatham County; that they have some conversion from the Medicaid legislation changing methods of sales tax distribution in the State of North Carolina over the next few years; that they were trying to look into the future as more retail offerings become available in Chatham County; that working estimates from Carolina Meadows of likely, local purchases that they would make if in the general vicinity of the center and what the sales tax potential would be if Chatham County was able to capture it.

Commissioner Vanderbeck asked if there was any type of percentage of County workers or minority representation in building the center.

Mr. Styers stated that he would get back to the Board with answers to those questions.

Mr. Styers stated that although it may be a cliché, this proposal is a win-win for so many interests: 1) For the current and future residents of Carolina Meadows; 2) For the employees and operational functioning of the community; 3) For the interests of sustainable, environmental-sensitive growth; 4) For the economic and fiscal vitality of the County. He asked for all of these reasons, and having met all of the evidential requirements for a Conditional Use Permit set forth in the Chatham County ordinance, they ask that this application be approved.

Paul Hardin, seventeen-year resident of Chatham County and a member of the Board of Directors of Carolina Meadows and Chairman of the Vision & Strategy Committee, thanked the Board for permitting him to speak in support of Carolina Meadows' request for a conditional use permit amendments. He stated that long before he was asked to join the Carolina Meadows Board, he and his wife had begun to look for a well-run continuing-care retirement community featuring a healthy and active lifestyle with good medical care when needed; that they had lots of friends in other Triangle area institutions and both sets of their parents and his older sister and her husband had lived in three such communities in Asheville, Greensboro, and Charlotte; that they were leaning towards Carolina Meadows when, to his surprise, he was asked to serve on its board; that he agreed, partly out of his desire to support Chatham County institutions and partly because they wanted a closer look at Carolina Meadows to be sure of their choice; that after six years on the board, he is convinced that this is where they want to be on our next and final move; that the beautiful campus, not a high-rise institutional look, the Board has resident who are full voting members...very happy residents who actually enjoy the food and do enjoy an active lifestyle; that Carolina Meadows has unused real estate fully within the footprint of the campus; that Kevin McLeod, who is their CEO and President at Carolina Meadows, is a national leader in this industry; that he keeps all of them abreast of regional and national competition and best practices; that he and the Board and most emphatically their Vision & Strategy Committee are united in their audacious vision to be the best continuing care retirement community in the southeast; that they seek permission to add the 35 duplex villas (70 units but only 35 structures) to their present 391 independent living units; that one of the great strengths that Carolina Meadows has is that they have unused real estate fully within the footprint of the campus; that that very fact sets the stage for a leap forward in the competitive continuing care industry; that the expansion doesn't involve creating any new entrances or exits to the campus, doesn't change the traffic flows, and they are not going to be putting people in and out of Fearrington Road; that he feels that the soccer field is in a bad place; that he thinks it is very gracious of the Carolina Meadows' Board to provide it for years and years; that the elevation changes are changes are pleasant; that he wants to close by pointing with pride to how Carolina Meadows serves Chatham County: 1) It is the third largest taxpayer in the County, as more than \$500,000 last year; 2) That they do another \$120,000 in annual grants; 3) For the past five years, Carolina Meadows has hosted an annual volunteer fair to which

we invite 25-30 non-profits (mostly Chatham County) to come to campus where they provide a venue for recruiting volunteers; 4) Individual residents are active volunteers and financial contributors to organizations like CORA, Habitat for Humanity, and the Chatham County United Way; that he and his wife do those things now and will maintain those bits when they move to Carolina Meadows.

Mr. Hardin stated that in years past, he was a trial lawyer and he never failed to ask the jury for a favorable verdict; that they hope that the Board of Commissioners will approve the amendment to the conditional use permit for Carolina Meadows; that he is very proud of the well-run organization; that he is honored to serve on the board with the residents who keep everyone alerted to the concerns of residents. He thanked the Board of Commissioners for their help in this matter.

PAY STUDY

Carolyn Miller, Human Resources Director, explained that during last fiscal year, the Board authorized a pay and classification study to examine the current pay and classification program in comparison to surrounding jurisdictions; that the market pay component of the study was completed in Spring 2008; that during the budget process, the Board opted to delay the implementation of the pay component until October 2008 at the earliest; that Springsted, the consulting firm conducting the study, has presented several options for implementation of the pay component; that Springsted examined all of our job classes and adjusted the pay grades according to a market study; that each position has a new pay grade/range; and that listed below is a description of the different options:

- **Option 1:** Move everyone to the minimum salary of the recommended pay grade. This will correct the most severe deficiencies in pay for those who are underpaid according to market. The downside is the years of experience are not considered, and may result in “bunching” at the minimum of a salary grade. For example, you have three people in a particular job classification, with one having 3 years of experience and the other 3 weeks of experience. Neither employee is at the minimum of their recommended pay grade. Under Option 1, both will be moved to the minimum, and the employee that has only been here 3 weeks is now making the same annual salary as the employee with 3 years of experience. **2.51% over current budgeted annual payroll.**
- **Option 4:** Move everyone to the minimum salary of the recommended pay grade, and move employees 1% above minimum for every 1 year of experience in the position. This will correct deficiencies in pay and recognizes the experience level of the employee in the position. This will alleviate the “bunching” problem as noted above. **3.67% over current budgeted annual payroll.**

Commissioner Vanderbeck asked, for clarification, for every year if it would be limited once market value is reached. Ms. Miller stated that Option 4 addressed recruitment and retention. She stated that it moves the new recommended salary minimum to a competitive level so that that the County can compete and recruit and that it helps retain those employees by recognizing that plus their years of experience.

- **Option 5:** Move everyone to the minimum salary of the recommended pay grade, and move employees 1% above minimum for every 2 year of experience in the position. This will correct deficiencies in pay and recognizes the experience level of the employee in the position. This will alleviate the “bunching” problem as noted above, but not provide as much space between employees as Option 4. **3% over current budgeted annual payroll.**
- **Option 6:** Full market pay. This option is a comprehensive approach that combines the new minimum adjustment, years of experience adjustment, and market comparison with surrounding jurisdictions. **10.8% over current budgeted annual payroll.**

Ms. Miller stated that in addition to the pay component of this study, we are currently involved in the classification component; that Springsted is gathering information to write accurate job descriptions, establish ADA criteria, and proper Fair Labor Standards

distinction; and that as a result of this component of the study, it is likely that some positions will require reclassification. She reiterated the implementation schedule of options as follows:

Implementation Schedule Options:

The description below shows dates and budgetary impact of implementation:

October 1: Implement Option 1 within budget

November 15: Implement Option 5 within budget

January 1 (recommended): Implement Option 4 within budget

After considerable discussion, Commissioner Barnes moved, seconded by Commissioner Cross, to approve Option 4 to move everyone to the minimum salary of the recommended pay grade, and move employees 1% above minimum for every 1 year of experience in the position to correct deficiencies in pay and recognize the experience level of the employee in the position and that it be implemented January 01, 2009.

The County Manager explained that the target is Option 6 which is competitive with the market we live in; that this is the first step to get to the target; and that hopefully, the next step to get to the target will come in the next budget.

Commissioner Vanderbeck stated that for starters, he thought it was great to get to market value.

Chairman Lucier called the question. The motion carried four (4) to zero (0).

MANAGER'S REPORTS

The County Manager reported on the following:

National Financial Institutions:

The County Manager stated that everyone was becoming aware of the ups and downs of national financial institutions; that there are concerns regarding bailouts and the general fatigue in the national financial institutions; that staff is keeping an eye out by monitoring market conditions. Depending on the depth of national financial problems it could have an impact on the County's financial capital planning; and that the current indication is that it may not be harmful, but that they will be keeping an eye on it.

COMMISSIONERS' REPORTS

Green Building Task Force Appointment:

Commissioner Barnes moved, seconded by Commissioner Vanderbeck, to appoint Jamie Hager to the Green Building Task Force. The motion carried four (4) to zero (0).

Jordan Lake Clean-Up:

Commissioner Vanderbeck explained that volunteers are needed for a "clean sweep" removal of trash near Robeson Creek Boat Ramp on Jordan Lake on Saturday, October 18, 2008 beginning at 8:00 AM. He stated that several groups are collaborating with the project to help remove a large area of trash floating on the water that could impair wildlife in the area, including a nesting pair of bald eagles, ospreys and egrets; that partners in the project include Chatham County, Haw River Assembly, US Army Corps of Engineers, NC Wildlife Resources Commission, and the NC Department of Environment and Natural Resources; that the clean-up day was planned when representatives of Chatham County and the US Army Corps of Engineers identified a large amount of trash in Jordan Lake that had collected immediately downstream of where the Haw River drains into the lake.

Commissioner Vanderbeck asked if the Board would consider a resolution of support to send a letter to the stakeholders notifying their constituents and letting them know about participation in this upcoming, one-day, clean-up event. He stated that there were no bathroom facilities at the Robeson Creek Boat Ramp where this would take place and asked if the County would sponsor a port-a-potty as the County's contribution to this endeavor. Commissioner Vanderbeck stated that if that was acceptable with the Board, he would work on language to move forward at the next Board meeting.

By consensus, the Board agreed.

ADJOURNMENT

Commissioner Cross moved, seconded by Commissioner Barnes, to adjourn as the Chatham County Board of Commissioners. The motion carried five (5) to zero (0), and the meeting was adjourned at 9:40 PM.

George Lucier, Chairman

ATTEST:

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