

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
FEBRUARY 16, 2009

The Board of Commissioners ("the Board") of the County of Chatham, North Carolina, met in the Superior Courtroom, 1 Hillsboro Street, located in Pittsboro, North Carolina, at 6:00 PM on February 16, 2009.

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

PLEDGE OF ALLEGIANCE AND INVOCATION

Commissioner Thompson delivered the invocation after which Commissioner 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 6:05 PM.

AGENDA AND CONSENT AGENDA

Commissioner Vanderbeck asked that the Work Session Minutes be removed from the Consent Agenda and returned to the Board for approval at their next Board meeting and that Item #12, Consideration of a request for an extension of time for an additional eighteen (18) months to complete the necessary improvements and to submit the final plat for the Pennington South Subdivision and to change the subdivision name to "The Gentry" and the road names to "Gentry Drive", "Antebellum Way", "Julep Court", and "Pennington Court" be removed from the Consent Agenda and placed on the regular agenda for discussion.

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

1. **Minutes:** Consideration of a request for approval of Board Minutes for regular meeting held January 26, 2009, work session held January 26, 2009, regular meeting held February 02, 2009 and work session held February 02, 2009

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

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

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

3. **Grant Application Approval for a NC State Library LSTA Strengthening Public and Academic Library Collections Grant:** Consideration of a request to approve a grant application in the amount of \$25,000 to the NC LSTA Strengthening Public and Academic Library Collections Grant to fund the purchase of books to strengthen the Library's collection in the area of health care and self management of chronic disease. A copy of the grant application is attached hereto and by reference made a part hereof.

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

4. **Grant Application Approval for Department of Justice Office on Violence Against Women Grant:** Consideration of a request to approve a grant application in the amount of \$350,000 to the North Carolina Department of Justice Office on Violence Against Women for a three-year grant. A copy of the grant application is attached hereto and by reference made a part hereof.

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

5. **Funds Acceptance for Health Department:** Consideration of a request to accept funds in the amount of \$80,000.00 from the Office of Minority Health and Health Disparities awarded to the Chatham County Health Department

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

6. **Funds Acceptance for Health Department:** Consideration of a request to accept Small Capital Grant funds in the amount of \$22,516.00 from the Division of Public Health

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

7. **Funds Acceptance for Health Department:** Consideration of a request to accept funds awarded to the Chatham County Health Department in the amount of \$18,700.00 from the Physical Activity and Nutrition Branch

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

8. **Funds Acceptance for Health Department:** Consideration of a request to accept one-time Bonus funds awarded to the Chatham County Health Department in the amount of \$1,766.00 from Federal Title X (Family Planning)

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

9. **Records Retention and Disposition Schedule and Amendments:** Consideration of a request to approve the Sheriff's Records Retention and Disposition Schedule, attached hereto and by reference made a part hereof.

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

10. **Naming of Private Roads:** Consideration of a request for the naming of private roads in Chatham County as follows:

Beechwood Lane, Smith Overlook Way

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

11. **Extension of Preliminary Plat Expiration:** Consideration of a request by Nicolas P. Robinson, Attorney-at-Law on behalf of Polk-Sullivan, LLC, for a one (1) year extension of the development schedule for "The Glens" (f/k/a McBane Property Subdivision) to extend the final plat for Phase 3 to August 2011

As per the Planning Board (by a vote of 6 for and 3 against) recommendation, a two (2) year extension of the development schedule for **The Glens** (f/k/a McBane Property Subdivision) to extend the final plat deadlines for Phase 2 to August 2011, for Phase 3 to August 2012, and for Phase 4 to 2013 with changes proposed by developer (i.e. buffering of the ephemeral stream,

elimination of two lots, and redesign of the cul-de-sac) was granted along with the following condition:

1. The developer shall contact the Chatham County Historical Association about any possible historical structures that may be present on the site. The developer shall provide documentation from the Historical Association, including any possible recommendations, prior to final plat approval.

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

- ~~12. **Extension of Final Plat Expiration:** Consideration of a request by Karen M. Kemerait, Attorney at Law on behalf of Contentnea Creek Development Company for an extension of time for an additional eighteen (18) months to complete the necessary improvements and to submit the final plat for the Pennington South Subdivision and to change the subdivision name to "The Gentry" and the road names to "Gentry Drive", "Antebellum Way", "Julep Court", and "Pennington Court"~~

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

13. **Extension of Final Plat Expiration:** Consideration of a request by John W. Coffey, President, Coffey Grounds, Inc. for a revision to the existing development schedule for "**Horizon Subdivision**" to change the phasing schedule and to allow a one (1) year extension of final plat submittal dates for Phase Two and Phase Three

As per the Planning Department and Planning Board (by unanimous vote) recommendation, the request was granted for a revision to the existing development schedule for Horizon Subdivision to reduce the number of phases from four (4) to three (3) and to change the development schedule to allow a one (1) year extension of final plat submittal dates for Phase Two and Phase Three. Phase Two to be extended to May 2010 and Phase Three to be extended to May 2011.

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

14. **Northeast Big Woods Park Phase 1 Design and Construction Contract:** Consideration of a request to award the Northeast Big Woods Park Phase 1 Design and Construction Administration Contract to ColeJenest and Stone/Susan Hatchell

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

15. **Fiscal Year 2008-2009 Budget Amendments:** Consideration of a request to approve Fiscal Year 2008-2009 Budget Amendments, attached hereto and by reference made a part hereof.

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

16. **Recreation Advisory Board Committee Appointment:** Consideration of a nomination by Commissioner Kost to reappoint Andrew Allden to the Recreation Advisory Board

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

17. **Home and Community Care Block Grant Committee Appointment:** Consideration of a nomination by Chairman Lucier

to appoint Janet Groce to the Home and Community Care Block Grant Committee

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

18. **Home and Community Care Block Grant Committee Appointment:** Consideration of a nomination by Commissioner Kost to appoint Carol Straight to the Home and Community Care Block Grant Committee

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

19. **Agriculture Advisory Board Appointment:** Consideration of nomination by Commissioner Cross to appoint Cathy Jones to the Agriculture Advisory Board

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

20. **Appearance Commission Appointment:** Consideration of a request to appoint Grimsley Hobbs to the Appearance Commission by the full Board

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

21. **Revision by CRCED Treatment, Inc. to Conditional Use Permit:** Consideration of a request by CRCED Treatment Inc. on Parcel #73288 for a revision to the conditional use permit for a 90 day extension to the one-year time frame, specifically for the approval in wastewater capacity and a certificate of occupancy as stated in Condition #10

As per the Planning Department and Planning Board (by unanimous vote) recommendation, adopted **Resolution #2009-16 Approving a Revision on a Conditional Use Permit Request by CRCED Treatment, Inc.**

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

22. **Text Amendment to Chatham County Watershed Protection Ordinance:** Consideration of a request for a text amendment to the Chatham County Watershed Protection Ordinance to Section 303, Cluster Development, to delete provisions within the Pokeberry Creek drainage area, also referred to as hydrologic unit #03030002060010, allowing for lot densities to be located anywhere within a project area on parcels spanning multiple watershed districts

An Ordinance Amending the Watershed Protection Ordinance of Chatham County was adopted and is attached hereto and by reference made a part hereof.

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

23. **Text Amendment to Chatham County Watershed Protection Ordinance:** Consideration of a request for a text amendment to the Chatham County Watershed Protection Ordinance to Section 505, Establishment of the Watershed Review Board, to designate the Environmental Review Board as the Watershed Review Board

An Ordinance Amending the Watershed Protection Ordinance of Chatham County was adopted and is attached hereto and by reference made a part hereof.

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

24. **Installment Purchase Contract for Briar Chapel Middle School:** Consideration of a request to adopt:

1. **Resolution #2009-17 of the Board of Commissioners of the County of Chatham, North Carolina, Authorizing the Negotiation of an Installment Financing Contract and Providing for Certain Other Related Matters Thereto**, attached hereto and by reference made a part hereof.

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

2. **Resolution #2009-18 of the County of Chatham, North Carolina Declaring the Intent of the County of Chatham, North Carolina to Reimburse Itself for Capital Expenditures Incurred in Connection with the Construction and Equipping of a Middle School, Community College Facilities and a County Library from the Proceeds of Certain Tax-Exempt Obligations to be Executed and Delivered in Calendar Year 2009**, attached hereto and by reference made a part hereof.

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

END OF CONSENT AGENDA

PUBLIC INPUT SESSION

Rhada Berkowitz, 1124 Fearington Post, Pittsboro, NC, Chair of the Library Advisory Board, thanked the Board for making the joint community library a reality. She stated that libraries are the perfect example of the common good; that this will serve a dual population; and that libraries are invaluable resources in tight economic times. She thanked the Board for their support.

Beth Kricker, 224 Buteo Ridge, Pittsboro, NC, stated that she signed up to speak two weeks ago on behalf of workers who have been left in the cold after devoting up to forty years of their lives on behalf of Moncure Plywood Company; that they are now being asked to work seven days per week, give up most of their health insurance for their families, and relinquish seniority which they have probably earned after years of service; that they have yielded their time to be heard to the human rights issue believing these issues are joined and hope to present their case to the Board on March 2nd; and that any emergency assistance that is available to them is now desperately needed.

Joshua Kricker, 224 Buteo Ridge, Pittsboro, NC, stated that he also wished to speak about the Moncure Plywood strikers; that they have been on strike for over seven months; that it is frivolous to revisit an issue that has already been discussed; that there is historical precedents in economic crises to blame certain groups of people; that as a community we can move forward together to meet the crisis and challenges or be divided. He presented two articles to the Board, one stating that undocumented immigrants make up 1/20th of the workforce but represent dirty, dangerous, and low-paying jobs in this country and the other article stating that out of 100,000 parents whose children are US citizens, if the parents are deported we will have to take care of those children.

Ron Woodard, 208 Lewiston Court, Cary, NC, Director of NC Listen, presented his comments to the Board and provided them in their entirety for the record as follows:

“My name is Ron Woodard and I am Director of North Carolina LISTEN. Our members within Chatham County asked me to speak tonight. I urge the Chatham

County Commissioners to withdraw their resolution to not partner with Immigrations and Customs Enforcement [ICE] to assist your law enforcement personnel in checking the immigration status and criminal record of those arrested. A NC Civitas statewide poll shows 88% of North Carolina voters support local law enforcement having the ability to check the immigration status of those arrested. Thirteen local law enforcement agencies currently partner with ICE [287g or Secure Communities] in North Carolina. There are costs to partner with ICE, but what is the cost to your county for doing too little? The 287g program is a fraction of what citizens are spending on public schools and social service costs of illegal immigrants and their dependents. Sheriff Rick Davis in Henderson County says his department has made money on 287g, and also it has helped with gang and illegal drug suppression.

Apparently an issue was raised about the impact on families. Yes, illegal immigrants have taken jobs formerly done by citizens, and illegal immigrants are driving down the wages of our own low-skilled citizens who have to unfairly compete with them. In reality, illegal immigration is subsidized labor. Employers who hire them get cheap labor and citizens see their property values raised to pay for the health care and social service costs of illegal immigrants.

Concerning illegal immigrants, there is no evidence of any kind of foster child issue in North Carolina as a result of a partnership with ICE. Just as when one changes jobs and may have to move out of state, the family can move together. Of the diverse group of one million LEGAL immigrants coming into our Country each year, there is no fear of law enforcement.

I expect a County can choose to be part of the solution or look the other way and be part of the problem. I hope Chatham County officials in general look at the issue from the impact of illegal immigration on low-skilled citizens who are unemployed and the existing fiscal impact of illegal immigration on citizen taxpayers instead of being overly concerned with the frustrations of illegal immigrants. A county which becomes a safe haven for illegal immigrants is also affecting the surrounding counties.

I have other suggested legal actions for local government to take. I can be reached at 919-460-8156 or visit our website at www.nclisten.com THANK YOU.”

Roxann Schager, 155 Tanager Lane, Chapel Hill, NC, stated that the Homeland Security’s website explains that US Immigration and Customs targets criminal networks and terrorists to keep America safe and secure; that reading concerns regarding illegal immigrants she decided to check statistics which she shared with the Board; that the data does not support the level of fear being expressed; that she wonders if Chatham County should help Homeland Security implement the procedures and believes the answer is “no”; that there is a pattern of problems with Homeland Security; that her Hispanic son-in-law is a permanent resident who came here legally, lived in Chatham County for seven years and never committed a crime, returned to his home country, with her daughter, for a year to spend time with his aging grandparents; that he had to request permission from Homeland Security to security; that after following proper procedures, it has taken nine months and they still do not know when or if he will be able to return to Chatham County; that they have no ability to challenge why it is taking so long nor do they know why the process is taking so long for a person who was already was given permanent resident status. She listed major concerns with Homeland Security and stated that the Board of Commissioners have already made the right decision and she hopes that they will stand by it.

Tim Keim, 93 Cynthia Lane, Pittsboro, NC, stated that former President James Polk started a war and took over half of Mexico and many Mexicans were made citizens of the United States by force; that due to NAFTA many Mexicans and Americans lost their livelihood; that many Mexicans were forced to leave to support their families; that terrorizing immigrants through arrest, deportation, and bigotry is not the way to deal with this situation; that everyone has a right to live, make money, and have good medical care; that there is scarcity in this country but it is not because of the poor; and that the answer will lie somewhere in the middle and it will be a difficult battle.

Marty Rosenbluth, 2737 Armfield Road, Hillsborough, NC, staff attorney for the Southern Coalition for Social Justice, stated that that the NC Sheriff's Association report shows that the 287(g) does not do what it is advertised nor intended to do; that it was designed to deport dangerous criminals after they are convicted and after they had served their sentences; that of the 1,200 people that were deported in North Carolina last year, 33% were arrested and deported for traffic violations; that 23% were due to DUIs; that the other 44% were unknown; and that the Board made the right decision.

Roy Stawsky, 10 Blue Heron Farm Road, Pittsboro, NC, stated that he appreciates the opportunity to voice his support of the resolution; and that he hears the other side's concerns of safety and crime rates. He offered to meet and answer any questions that people may have of these different families and stated that the answer is not to get rid of all of the immigrants.

Paul Cuadros, 258 Bellemont Road, Pittsboro, NC, stated that this issue was discussed ten years ago in Siler City; that he thanked the Board for passing this resolution; that we will look back years from now and see this as a first step; that this issue has been dominated by extremists on both sides; and that the solution lies somewhere in the middle. He introduced a number of Hispanic Jordan Matthews graduates and students that have gone on to school and on to contribute to the community.

Ana Duncan Pardo, 817 Hillsborough Street, stated that she appreciates the opportunity to speak; and that the people of Raleigh did not have an opportunity to speak about this. She spoke of working with a woman who is not documented and is desperately trying to make it on her own without human service assistance.

Kat Rangel, 492 Foster Lane, Pittsboro, NC, stated that this is the right thing to do and commends the Board for taking this stand. She stated that people move to Chatham County because it is a nice place to live; that Chatham County must think financially as well and in tight economic times the County cannot take on new projects; and that Wake County's program may be cut due to tight finances. She thanked the Board for allowing her to speak and for their work as Commissioners.

Margaret Bryant Pollard, 1817 Gade Bryant Road, Moncure, NC, stated that she applauds the Board for their action; that she immediately thought of the inscription on the Statute of Liberty; that she also recalled the words of Mother Teresa; and that she thanked the Board for their action in leading the County.

John Hammond, 848 Langdon, Fearington Point, Pittsboro, NC, presented his comments to the Board and provided them in their entirety for the record as follows:

"Chatham's record on human relations and immigration is not good even if you ignore the period from the Wilmington Terrorist attack in 1898 to the beginning of the Civil Rights legislation in 1964. Our recent history continues to be most disturbing.

In 2000 Rick Givens, then chairman of the county commissioners invited federal agents to clear undocumented immigrants from Chatham County and earned the scorn of Hispanic leaders across the state. Later Givens visited Mexico to learn about what drives emigration. When he returned he described his visit as a "very humbling" journey to Mexico, Givens then professed a change of heart: He became eager to reach out to Hispanics.

But before he could begin burying his past, Givens faced a fresh challenge with the scourge his earlier statements had unleashed. On Feb. 19th 2000 the N&O reported, former Ku Klux Klansman David Duke is to lead an anti-immigration rally in front of Siler City's town hall. The rally's organizer, a reputed member of the neo-Nazi National Alliance, told police chief to expect as many as 150 supporters on the town hall lawn. The rumor mill had been churning and fear was on the lips of many of Siler City's newcomers, for they were the object of the protest.

The N&O described Duke's rally as follows and I quote, "Duke said he had come out of a 'deep and abiding' love for his country's European heritage. Standing on

the steps of city hall, with his supporters gathered round, former Klansman David Duke excoriated Mexicans, immigrants and minorities as threats to national unity."

"The crowd, estimated at 400 to 500 by police chief, applauded Duke's message. Some of these Duke supporters were invited to the anti-immigration protest by a local service station worker with ties to a neo-Nazi group, the National Alliance." [Sadly I fear some in this room may have been present that day.]

"Beneath a fluttering U.S. flag, some demonstrators in camouflage, one in a coat bearing the design of the Confederate flag held signs to voice their view. "Pollution of our Population is Stupid!" read one. Another read: "To HELL with the Wretched Refuse." [Sounds much like the recent comments on immigrants by the Sherriff of Johnston County recently in a story in the New & Observer]

David Duke Rally in Siler City was truly a blot on the human relations history of Chatham County.

All of this happened only nine years ago in a Chatham where most residents profess to be Christians but who sadly worship in homogeneous congregations segregated by race, creed and ethnicity. Many of these congregations lack a universal vision of Christianity that gives rise to a number of concepts that go far beyond what these parochial congregations can conceive. These concepts include:

1. Mankind has the right to have their needs met and to live in peace and dignity in their homelands so that they do not need to emigrate.
2. If mankind's basic needs cannot be met in their homeland, they have the right to seek them abroad – i.e. they have the right to emigrate. "The fact that they are citizens of a particular State does not deprive them of membership in the human family, nor of citizenship in that universal society, the common, world-wide fellowship of humans."
3. The right to regulate borders is not absolute and regulations must promote the common good. The common good includes concern not only for members of a particular society, but also for the universal human family. The unity of the human family implies a *universal common good*. This good calls for an organization of the community of nations able to 'provide for the different needs of mankind...and certain situations, for example...alleviating the miseries of refugees dispersed throughout the world, and assisting migrants and their families."
4. Nations with the ability to accommodate migrants should respond with generosity. "The more prosperous nations are obliged, to welcome the *foreigner* in search of security and the means of livelihood which he cannot find in his country of origin."
5. Families have the right to remain united. The right to live with one's family cannot be denied by any human law. "

The Resolution against the ICE 287g Program is totally consistent with these universal Christian principles. That I described. I challenge those who profess to be Christians to put aside the hatred of those different from themselves, which has culminated in bomb threats and threats of physical violence against our elected officials, and act as their religion calls them to act. What example are you giving of your faith by condoning or participating in this behavior?

Further, I believe we are witnessing the last efforts of a small segment of population with white supremacist tendencies reacting against the coming demographic transformation of them from a privileged majority to minority status. The United States is browning and it cannot be reversed. It is time to embrace the diversity of the entire human family that God placed on this earth and learn to live together in harmony as one family.

The Board of Commissioners have taken the moral high ground and expressed a position totally compatible with the universal Christian principles that I have outlined and with the 21st century world as it should be.

Let us resolve tonight not be deceived and reject the efforts of those who would attempt to return us to the evils of the past. Thank you.”

Bill Sommers, 1067 Fearington Post, Pittsboro, NC, presented his comments to the Board and provided them in their entirety for the record as follows:

“My name is Bill Sommers, and I live in Fearington Village. While there are many facets to the problem of illegal immigration, we should recall the blunders of our past history made under the guise of “illegal immigration” and racial supremacy.

The original “illegal immigrants” were black Africans, forced to come here, chained into servitude amid a lifetime of open racism. It took a Civil War and another century before these “illegal immigrants” received their civil rights.

During the Spanish War, the United States invaded the Philippines – as illegal immigrants – to forward McKinley’s goal to “...civilize and Christianize the Filipinos,” annexing a country populated by Christian Catholics and Muslims.

When building the Continental Railroad, thousands of “illegal immigrants” from China – we called them “coolies” - were brought to the US to do the dirty work for poor wages. When completed, they were sent home and our immigration rules were rewritten to exclude them from returning.

In World War II, under a president whom I otherwise admire, we cancelled the citizenship granted Americans of Japanese descent, treated them as “illegal immigrants,”” confiscated their land, made them live in huts amid guards and barbed wire.

And yet these “illegal immigrants” have become integral to our nation. They who suffered have, showing astonishing patience and perseverance, given us a model of hope.

Now this negativism has returned with the same old prejudices, spouting the same old racial fears urging that we seize and deport the current group of “illegal immigrants, “ breaking up families, smashing civil rights, adding another stain on the American story.

Last week we celebrated the 200th Anniversary of Abraham Lincoln’s birth who instructed us to have “Malice toward none, with charity for all, with firmness in the right as God gives us to see the right...” These words must become – in heart and mind and soul – our basic policy in resolving the problem of “illegal immigration.” And we compliment our County Board of Commissioners who, in passing its Resolution of January 5, have truly followed Lincoln’s guidance.”

Jack Johnson, 63 Barn Owl Lane, Pittsboro, NC, stated that he was present to talk about property tax revaluation. He stated that the bulk of the information gathered by appraisers was gathered before the market downturn; that it does not reflect market reality; that most property owners have property values that are unrealistically high; that if property owners do not respond within the time frame, they lose their right to appeal; and that it would be better to value by 2009 fair market value standards.

Chairman Lucier explained that a release has been prepared with questions and answers regarding the revaluation. He stated that it was mandated that the revaluation be done by specific procedures and laws; that the ultimate tax rates are a consequence of the valuation times the tax rate; that the Commissioners have agreed that they will adopt a revenue neutral tax rate; that taxes may go up, go down, or stay the same but they will be fair in relations to one’s neighbors; and that is the purpose of the revaluation.

Pamella Cash-Roper, 64 Sibling Court, Pittsboro, NC, stated that she is part of the community that was not represented by the Board and the Human Relations Commission; that this program was misrepresented; that there were scare tactics used as examples; that if we do not qualify for 287(g), why do we have the resolution at all. She questioned whether there has been abuse by law enforcement; and stated that she believes we need comprehensive immigration reform, not a resolution that divides the community; that proper input was not gathered from all residents of Chatham County; and that she understands the purpose and thinks it should have had more diverse input.

Rita Spina, 12 Matchwood, Fearrington Post, Pittsboro, NC, stated that she had a question for all to think about, "Under the rules of ICE, do the actions of the mothers and the fathers who chose a better life for their children warrant forceful abandonment of their citizen children who are left behind?"; that of the nearly 2.2 million immigrants deported in the decade and in 2007, more than 100,000 children from under six years to age seventeen, have suffered loss, family status, and significant economic disaster; and that the circumstances are tragic. She thanked the Commissioners for being brave enough to pass the resolution.

Oswaldo Contreras, 1813 North Chatham Avenue, Siler City, NC, stated that he is a Morehead finalist; that he could not have made it this far without the diversity of Chatham County; and that he applauds the Board for their stance in helping the community feel safer.

Jakelin Bonilla, West Chatham Avenue, Siler City, NC, stated that she is a graduate of Jordan Matthews; that on behalf of Latino students she thanks the Board for their decision; that she voted for the first time in this last election and looks forward to doing so in the next.

Ronald Garcia-Fogarity, 226 NC Highway #902, Pittsboro, NC, stated that he is the executive director of the Hispanic Liaison; that there is a lot of fear in Chatham of different types; that the fear of being fired or the fear of being deported drives wages down; that the 287(g) is not addressing what it was originally designed to do; and that he invites an open dialogue with parties in the County.

Randolph Voller, 21 Randolph Court, Pittsboro, NC, stated that although this is a federal issue that has trickled down, we need to come together to figure out how to solve this problem; that there will be four million new North Carolinians in the next thirty years; that many issues of additional social services and public school expenses can be attributed to increases in population and the higher level of education; that there is a great growth dividend; and that newcomers add a great deal to the overall economy of North Carolina and the United States. He read two newspaper articles for the Board's consideration.

Randy Dye, 173 Olde Farm Road, Pittsboro, NC, stated that the resolution prevents Chatham County from participating in ICE at all; that he rode through Siler City and took pictures of the gang signs; that he appreciates the opportunity to speak on this issue and looks forward to it in the future.

Nick Meyer, 988 Boothe Hill Road, Pittsboro, NC, stated that he is glad the Commissioners passed this resolution; that he thinks it would be a bad idea for the Sheriff's Office to be enforcing federal law; and that if they wanted to do that, they could collect federal income taxes.

Brian Bock, 344 Ridge Springs Drive, Chapel Hill, NC, stated that he represented the Chatham County Republican Party; that they are opposed to the resolution; that they have drafted a resolution of their own which he read in its entirety.

Rev. Joseph Maddon, 1283 Thompson Street, Pittsboro, NC, stated that he worked at St. Julia's; that he applauds the Board for three reasons, humanitarian, theological, and wisdom; that everyone human being carries a divine stamp; that most of the news about 287(g) is bad; and that if we adopt this, there is the possibility that the Sheriff's Office will be put in a bad light.

Peter Theye, 1065 Boothe Hill Road, Pittsboro, NC, stated that he came in defense of the resolution; and that he felt the Board should be commended and be proud of themselves. He thanked the Board for their service.

Robert J. Willis, 110 Bill Thomas Road, Moncure, NC, stated that he fully supports the resolution that has been passed; that the clear majority is demonstrated by the attendance tonight in support of what the Board did; that in 1850, a law was passed forcing Northern States to enforce fugitive slave law; and that now we are doing the same thing with immigrants.

Sarah Wilson, Sugar Lake Road, Pittsboro, NC, stated that when this resolution was passed this was the first time she really felt represented; that she comes at it from a farming perspective; that the County could say no to the federal governments lack of dealing with the situation; that she sees it from the workers perspective; that she urges action on the federal level.

Gary Phillips, 97 Box Turtle Road, Pittsboro, NC, stated that he is so proud of Chatham County; that he is proud of those gathered here; that he does not want to hear the word illegals applied to people anymore; that it is a code word for a kind of racism; that the demographics have already passed and this country is becoming more diverse.

Delcenia Turner, 557 C. McKeithen Road, Gulf, NC, presented her comments to the Board and provided them in their entirety for the record as follows:

“First, I want to commend my Board of Commissioners and my Sheriff’s office for mutually agreeing to resist contracting with Immigration and Customs Enforcement, an AGENCY apparently and appropriately nick-named I.C.E. for its cold insensitivity toward human beings, in THIS instance, the Hispanic population. I continue to support your resolution and thank you and the Sheriff’s office for understanding the obvious contradictions contained within I.C. E. for it is definitely NOT what it says it is.

I.C.E’S original mission as a sub-agency of the Department of Homeland Security is to, and I quote, “... protect national security and uphold public safety by targeting CRIMINAL networks and terrorist ORGANIZATIONS that seek TO DO HARM to the United States. Instead, I.C.E has itself assumed the role of a terrorist organization by racially profiling Hispanics and violating their civil rights and liberties be they citizens or not. A Latino grandmother, a documented citizen of 40 years, was erroneously accosted in her home by local law enforcement agents representing I.C.E. because some bureaucrat made a mistake about her papers.

I ask those of you who are here to OPPOSE our Commissioners’ courageous position to think of your own immigrant grandmothers and how you would feel if they had to endure such an indignity. Is this what life must BE REDUCED TO for Latino Citizens because of I.C.E ? The Hispanic population wants no less than you to have a good life, to be able to make a living from gainful employment, to raise their children in a safe environment, to obtain the best education for them and to grow old with dignity and peace. Hispanics and everyone else come here because we ask them to come here through our worldwide icon of freedom, -- the Statue of Liberty. Through her, we say to everyone in international friendship:

‘Give ME your tired, your poor, your huddled masses YEARNING to breathe FREE, the wretched refuse of your teeming shore, send these, the homeless tempest-tossed to me’.

Now, who are YOU to determine the nations that statement covers? Or to make us frauds by supporting ROADBLOCKS. TO that promise through programs like I.C.E or outsiders like ALI-PAC whose ONLY intention is to encourage what a friend of mine refers to as STINKIN’ THINKIN,’ a misanthropic view of life that reeks of indefensible mendacity WHICH breeds random cruelty.

I want to encourage you to listen to information from sources that have your interests at heart, like your elected representatives in Chatham and other counties like Mecklenburg and Alamance who view I.C.E for the sham it is. I also advise you in

goodwill to be honest about subscribing to the moral doctrine you claim to live by which includes “doing unto others what you would have done unto you, loving your neighbor as you love yourself and being your brother and sisters keeper, all of your brothers and sisters. Thank you for your time.”

Carmen Marquez, 502 E. Kime Avenue, Liberty, NC, stated that she fell in love with Chatham County back in 2002; that this community has a strong dedication to its people; that she feels that most people would be in agreement that the alienation of people is not a worthy goal; and that she is proud of the Board and the citizens.

Efrain Ramirez, 250 Town Lake Drive, Pittsboro, NC, stated that he is in the middle of the road on this; that the use of the word illegal does carry with it that racist overtones; that there are also laws that have been broken, and that must be fixed; that it is not a local issue but a federal one; that there is great need to reform immigration laws; that there is a crisis with no clear answer; that the answer is not the persecution of people; and that he thanks the Board for what they have done and hopes they will stick by it.

Kit Donner, 99 Bruce Phillips Road, Siler City, NC, thanked the Board for their courageous stand. She stated that she fears the abuse of power by the federal government more than a few people trying to make money without proper paperwork; that if the federal government tries to take over local law enforcement there is no stopping them; that she is surprised that David Duke isn't up in arms about this; that we must protect the rights of all residents from the power of the federal government trying to deprive us of due process.

Eliot Raynor, 350 NC Highway #902, Pittsboro, NC, stated that he wanted to thank the Board for their stand on this issue; and that he is a young resident of Chatham County who is extremely encouraged by this decision.

Jerry Markatos, 800 Rock Rest Road, Pittsboro, NC, stated that he is proud that we take responsibility for issues in Chatham County instead of waiting for outside agencies to tell us how serious problems are going to be met; that it is hard to imagine a more serious problem in the country now with our economy on its knees; that this has been happening to neighboring countries and it happened to Mexico with the NAFTA agreement was passed; that there are similar issues in the Democratic party of being betrayed by their leaders at the top; that these problems didn't happen over generations, but happened overnight; that he is proud of Commissioners for reaching across the lines and taking responsibility for the issues.

Leda Hartman, 258 Bellemont Road, Pittsboro, NC, stated that she wanted to put in a quick word for civility and decency; that there are comments on the bulletin board and the ChatList by ALIPAC; that there are very disparaging comments made by their supporters; that NC Listen is an ally of this group; that she would like to make a statement to keep their viciousness out of Chatham County; and that we need to rise to a higher standard.

Chairman Lucier's comments are provided in their entirety for the record as follows:

“We thank those of you who spoke in support of the county commissioners' position in adopting the resolution opposing the county's participation in the ICE 287(g) program. Your support is very much appreciated. Some of you spoke against the resolution tonight and I would like to make a few brief comments to explain why we adopted this resolution.

First, I'd like to thank our Human Relations Commission and Human Relations Director Esther Coleman. They worked over ten months in the development of this resolution, including extensive research, went through all the facts and prepared a draft resolution for us to consider. We then adopted it. We appreciate their work a great deal.

I've written down nine major reasons why we supported this resolution and I will summarize them briefly.

One, it is costly. Sheriff Webster has said that we do not have a detention facility that is adequate to meet 287(g) standards, and I believe this to be true. The Johnston County Sheriff just asked his county commissioners for \$30 million to build a new jail. In Chatham County, we'd rather build schools than jails.

Two, we also believe that it is ineffective in crime prevention. There is no evidence at all that participation in 287(g) is effective in crime prevention. In fact, the opposite might be true. The Major Cities Chiefs Association has opposed participation in the 287(g) program, because they believe that it will undermine the trust that law enforcement agencies have worked so hard to establish with the immigrant community. Sheriff Webster and Chief Tyson also agree with this concern.

One reason why it is ineffective is because 287(g) takes resources away from programs that are, in fact, more effective. In Wake County, violent crime increased by 3% last year, even though Wake County participates in the 287(g) program. Virtually all of that violent crime is attributed to gang activity. Here in Chatham County we have very strong gang prevention programs, both in the county and Siler City, and we believe that they are working. This is one reason why we think that we have not seen an increase in violent crimes like Wake County has seen.

Third, this resolution does not keep law enforcement from enforcing the law. This has been said about the resolution on several occasions. This simply is not true. Let me read from the resolution: "Be it resolved that the Board of Commissioners supports local law enforcement in the execution of their duties in the constitutions and laws of the United States, North Carolina, and Chatham County. Be it also resolved that, in continuing its belief of controlling its own destiny... while proudly preserving diverse cultural heritages, the Chatham County Board of Commissioners stands in strong opposition to any local governmental agency contracting with the U.S. Immigration and Customs Enforcement (ICE) for the purpose of enforcing federal immigration laws."

Four, there is considerable evidence that participation in the 287(g) program increases the risk of racial profiling. Please remember that racial profiling is, in fact, a crime. No person should live in fear because of his or her ethnic background.

Five, this is a voluntary program. Voluntary means that a county can choose to participate or not participate in 287(g). The fact is that 92 out of 100 counties do not participate in 287(g). Only eight do. I can assure you that of the 100 counties in the state, Chatham County has dealt with this issue in a more open and transparent way than any county in this state.

Six, why would the Chatham County commissioners work to participate in a program that is costly, ineffective, increases the risk of racial profiling? Just why would we do that?

Seven, I think that everyone can agree that the federal government's immigration policy has been a failure and is dysfunctional. We believe that it is wrong to pass that failure on to local governments, which are not equipped to handle federal immigration laws.

Eight, Chatham County is a diverse county. Our biggest challenge is to take advantage of that wonderful diversity. Our biggest failure would be if we did not take advantage of that diversity. In Chatham County, we want to honor the diversity we have, not disrespect it.

For these reasons, the Chatham County Commissioners have no intention of revisiting our opposition to the 287(g) program."

Commissioner Vanderbeck thanked the Chair for being a strong and steady voice on this and he feels he has represented the Board of Commissioners and the County very well and stated that they want to look after everyone's human rights.

Other comments submitted for the record:

Chatham County Board of Commissioners
February 16, 2009

Lady and Gentlemen:

I, like you, support the I.C.E. Immigration Enforcement Resolution presented by the county Human Relations Commission that expresses "strong opposition to any local governmental agency contracting with U.S. Immigration and Customs Enforcement (I.C.E.) to enforce federal immigration laws." Therefore, I also support your decision to adopt the resolution, and to do so based on the rationale as reported in the Human Relations News Release of January 12, 2009.

It is my belief, as it is yours, that the potential negative consequences of local law enforcement agencies contracting with I.C.E. presents grave cause for concern, and outweighs any potential positive consequences.

Medical doctors in practicing their healing profession are admonished to "do no harm." That seems to me to be a prudent admonition also for those civil servants in the law enforcement profession. The brief history of communities that have contracted with I.C.E. demonstrates the harm that has been done to people who are citizens as well as those who are not. The news release (of January 12, 2009) does a service by documenting examples of the harm that has occurred, and by elaborating on all the rationale behind the resolution.

In making your decision, I thank you for the sensitivity shown not only to practical economic concerns (which so often become the "bottom line"), but also to the plight of fellow human beings who you value whether or not they are adorned with the title of "US citizen." As our nation awaits enactment of better immigration laws and creation of better enforcement methods, your controversial decision goes a long way in promoting a "do-no-harm" mentality without stripping law enforcement officers of their ability to do their jobs.

In my estimation, your decision moves us as a community toward (not away from) the Vision of Chatham County that was adopted by all governing entities some years back:

The Vision for Chatham County

Chatham County will be a place that cooperatively controls its own destiny to assure the state of well-being desired by all of our people, while proudly preserving diverse cultural heritages (underling mine) and the County's rural character.

-- Vision prepared by the Strategic Plan Development Committee and signed by the five governing boards in the County.

Respectfully,
Gary D. Simpson
82 Cynthia Lane
Pittsboro, NC 27312

"My name is Margie Ellison. I reside at 11538 Hwy 902 Bear Creek, NC. I serve as the Chairperson of the Chatham County Human Relations Commission.

To our County Commissioners, I want to thank you for your courage and for sight to speak in a bold way in passing the Resolution that makes Chatham County a safe place for all its residents. What you are hearing tonight from those who oppose your actions is an effort on their part to use fear and hatred to divide our community. It hasn't been that long ago when African Americans were being talked about the same way as our brothers and sisters who are immigrants are being referred to tonight. The same types of accusations were used to describe African Americans who sought to do the right

thing, desegregate schools, or exercise their right to vote. How many were accused of breaking the law and jailed for no reason? This county has been built on the backs of hard working people from around the world. They want to raise their families, worship, be good neighbors, and work to become citizens where ever possible. Still some are not treated as humans. Are we going to allow this type of hate speak here tonight to re-emerge at a time in our county and our country when we have truly turned the page and set a new course for people of all races, creeds, and color to move forward?

No, we will not allow fear and hatred to rule our county. You voted for that Resolution because you believe that peace and humanity can be supported by public policy. You have the support of the community and we stand with you.”

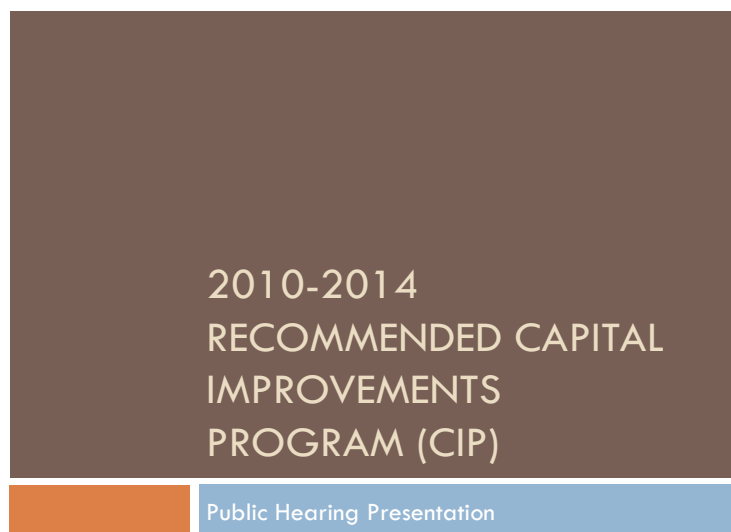
BREAK

The Chairman called for a short break.

BOARD OF COMMISSIONERS' MATTERS

Public Hearing on Capital Improvements Plan (CIP): Public hearing to receive public comments on the proposed Capital Improvements Plan (CIP)

Renee Paschal, Assistant County Manager presented specifics of the Capital Improvements Plan and gave a PowerPoint as follows:



CIP Introduction

- Chatham County uses a 5-year Capital Improvements Program (CIP) to schedule and finance large-scale capital projects (\$100,000 or more)
- FY 2010-2014 CIP based on a conservative approach:
 - Only 2 new general fund projects included
 - A few previously approved projects listed as “future projects”

CIP Introduction

- Projects funded through fund balance will have to be revisited as part of the operating budget process
- The timing of debt-financed projects will be based on availability of credit and economic conditions

Highlights

- Briar Chapel Middle School and Northwood High School expansion are already underway
- Library and two community college buildings tentatively delayed to June 2009
- Judicial facility delayed at least one year
- New high school delayed two years, but planning will continue so that we can respond sooner
- A few “non school” projects are delayed

Financing Strategy

- Debt financing for large projects (debt service already financed by 5-cents on property tax rate and school impact fees)
- Fund balance for projects \$500,000 or less annual cost (e.g., bleacher replacements)
- Water capital reserve for smaller water projects
- Pay-as-you-go funding and grants for parks
- Pay-as-you-go funding for new waste management collection center

Ellen Reich, 54501 Craig, Chapel Hill, NC, voiced concern with regard to the new high school which is now scheduled to be built in 2014. She stated that it was previously scheduled for 2010 and then 2011; that she is trying to understand why it is pushed back again; that she understands the economic situation, however, in this plan, it appears to be more of a reprioritization; that it is not following what the Board suggested; that she is requesting that the school be moved up and different finance streams be considered; that she believes that we can do a better job of negotiating a lower price for the high school; that she believes that we need to keep ahead of the ball with the growth in the schools; that there are 21 trailers at North Chatham; that are 1,000 children on the waiting list at Woods Charter School; that parents are not sending their kids to the schools where their money is going; that she believes that new schools will bring new families into the area to allow us to build up our economy, businesses will be brought in and the new tax revenue will be received; and that she asks the Board to reconsider the new high school.

Heidi Lanford, 76005 Miller, Chapel Hill, NC, suggested that the Board consider shifting their priorities in order to build the new high school. She stated that she knows that the library is extremely important but it does not draw people and business to the County as much as schools do; that the Board might consider spreading out the timeline for the library and/or the judicial improvements; that there are two streams of funding from the economic stimulus package just passed that will be enhanced to the State of North Carolina of which the Commissioners should be aware; that one is e-rate funding; that the State was given 52 million dollars in 2008 for e-rate funds; that e-rate funds are sponsored and funded by the FCC; that they are used strictly for education and libraries to improve their technology; that only \$100,000 was utilized in e-rate funds in Chatham County in 2007; that there is a lot more money that is available through the e-rate funding stream for Chatham County that may be available; that given the economic stimulus plan that passed, both the House and Senate, there is going to be a surplus of money going in specifically for education, targeting education, communications, and technology; that the Board should consider raising taxes so that we can get the schools that are much needed to support the education needs of the County.

Dave Klarmann, 380 Hatley Road, Pittsboro, NC, asked if the Briar Chapel Middle School was to cost 17 million dollars, if the job had been bid, and what students would be attending the school.

Chairman Lucier stated that the estimate for the school was 26+ million dollars, the request for bids will go out shortly, and will accommodate grades 6, 7, 8 from North Chatham, grades 6, 7, 8 from Perry Harrison; and that North Chatham and Perry Harrison will then become K-5 schools.

The Chairman closed the public hearing.

PLANNING AND ZONING

Extension of Final Plat Expiration: Consideration of a request by Karen M. Kemerait, Attorney-at-Law on behalf of Contentnea Creek Development Company for an extension of time for an additional eighteen (18) months to complete the necessary improvements and to submit the final plat for the Pennington South Subdivision and to change the subdivision name to "The Gentry" and the road names to "Gentry Drive", "Antebellum Way", "Julep Court", and "Pennington Court"

Keith Megginson, Planning Director, explained the specifics of the request.

Commissioner Vanderbeck asked about the proposed name change and asked if the developer had given any consideration to the suggested changes.

Ms. Kemerait, Attorney, explained that the buyer had acknowledged the seller's desire and request that the name "Pennington" be used in some way in connection with the development of the property. She stated that they had fulfilled the terms of the contract by naming one of the streets in the subdivision "Pennington Court".

Commissioner Vanderbeck asked if Sallie Pennington-Owenby had been notified of the change, and if so, was she agreeable to it.

Ms. Kemerait stated that she had been notified of the change by email, but they had not received a response; that they had been trying to get in touch with her regarding the name change, but were unable to do so.

Commissioner Kost stated that she had also tried to reach her, to no avail. She asked how many phases there were to the subdivision.

John Harris updated the Board on the different phases. He explained that Phase I and Phase II was the entire project.

After further discussion and as per the Planning Department and Planning Board (by unanimous vote), Commissioner Cross moved, seconded by Commissioner Thompson, to grant an extension of time for an additional eighteen (18) months to complete the necessary improvements and to submit the final plats(s) for all of the development Phase One and Phase Two prior to October 15, 2010 and to grant approval of the change of subdivision name to "The Gentry" and the road names to "Gentry Drive", "Antebellum Way", "Julep Court", and "Pennington Court". The motion carried five (5) to zero (0).

ZONING AND ORDINANCE AMENDMENTS

Items from November 17, 2008 Public Hearing – action continued from 1-26-09:

Preliminary Plat Approval: Consideration of a request by Lee Moore Capital Company for subdivision preliminary plat approval of "**County Line Site**", consisting of 3 commercial subdivision lots and one exempt, over 10 acre tract, located off US #15-501 North, Williams Township

The Planning Director distributed the Appearance Commission's Minutes of when this item was discussed and explained the specifics of the request.

After considerable discussion, Commissioner Vanderbeck moved, seconded by Commissioner Kost, to table this item until the March 16, 2009 Board of Commissioners' meeting in order to review the ordinances.

Commissioner Thompson stated that the Board needed to be clear, the decision is postponed, on what needs to be reviewed prior to the next meeting.

Commissioner Kost stated that she wants to get a better handle on Subdivision Regulations; that the Board is caught between two subdivision regulations, the old and the new; and that she wants to be certain that she understands the implications for the entire site.

Chairman Lucier called the question. The motion carried four (4) to one with Commissioner Cross opposing.

Request by Belmeade Farms, LLC to Rezone Parcels: Consideration of a request by Belmeade Farms, LLC to rezone approximately 194 acres, consisting of multiple parcel numbers located within the zoned portions of the subdivision plat for Belmeade Farms from RA-40 (residential/agricultural) to Conditional Use O & I (office and institutional) for a cemetery and memorial gardens, Center Township

The Planning Director explained the specifics of the request.

Nick Robinson, Attorney, stated that they would be happy to have the conditions incorporated into the Conditional Use Permit.

Commissioner Vanderbeck moved, seconded by Commissioner Kost, adopt **An Ordinance Amending the Zoning Ordinance of Chatham County**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Request by Belmeade Farms, LLC for Conditional Use Permit: Consideration of a request by Belmeade Farms, LLC for a conditional use permit for a cemetery and memorial gardens area as well as associated and ancillary structures and uses located on approximately 194 acres, Center Township

The Planning Director explained the specifics of the request.

After considerable discussion, Commissioner Kost moved, seconded by Commissioner Vanderbeck, to adopt **Resolution #2009-19 Approving an Application for a Conditional Use Permit Request by Belmeade Farms, LLC**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

PUBLIC HEARINGS:

Continued from 1-26-09 public hearing:

Public Hearing by Redd Dog, LLC to Rezone Parcels: Public hearing to receive public comments on a request by Redd Dog LLC to rezone Parcels #2684 and #2683 (to be recombined) consisting of approximately 1.83 acres collectively, located at the corner of US #15-501 North and Woodbridge Drive, Baldwin Township, from RA-90 to Conditional Use Community Business District

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

The Planning Director explained the specifics of the request.

Angela Birchett addressed questions raised at the January 26, 2009 public hearing which had been answered.

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

The Chairman closed the public hearing.

Public Hearing by Redd Dog, LLC for Conditional Use Permit: Public hearing to receive public comments on a request by Redd Dog LLC for a conditional use permit on Parcels #2684 and #2683 (to be recombined) consisting of 1.83 acres collectively, located at the corner of US #15-501 North and Woodbridge Drive, for a “Veterinary clinics and hospitals with dog runs or equivalent facilities” business

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

The Chairman closed the public hearing.

BOARD OF COMMISSIONERS’ MATTERS

Liquor-By-The-Drink Discussion: Consideration of whether to put liquor-by-the-drink to a referendum vote

Chairman Lucier stated that the Board had received considerable input on this issue; that they had received letters from the Town of Pittsboro, Economic Development Corporation, Pittsboro Merchants Association, ABC Board, and the Chamber of Commerce requesting that the issue be placed on the ballot; that his emails ran 10-1 in favor of putting it on the ballot; that a public hearing was held regarding the issue which was fairly mixed; that a considerable amount of information has been gathered related to alcohol related fatalities and potential economic issues; that Chatham County is one of the eighteen North Carolina counties that do not have liquor-by-the-drink; that the percentage of alcohol related total traffic related fatalities has decreased from 63% to 31% since 1978; that in the eighteen counties that do not have liquor-by-the-drink, nine of those counties have high percentages of alcohol related traffic fatalities, seven are in the middle, and two are low; that when looking at the data, a conclusion may be drawn that liquor-by-the-drink either decreases or has no effect on alcohol related traffic fatalities; that with regard to economic issues for counties without liquor-by-the-drink, the tax rate is 63 cents and for counties with liquor-by-the-drink, the tax rate is 67 cents; that there is a slightly lower unemployment rates with counties that have liquor-by-the-drink; that the median income is \$44,000 in counties with or without liquor-by-the-drink; that there is a greater number of restaurants that have liquor-by-the-drink. He review liquor-by-the-drink in surrounding counties and summarized by stating that it is his conclusion that liquor-by-the-drink does not increase alcohol related traffic fatalities nor does it create an economic boon for counties that have it.

Commissioner Vanderbeck stated his feedback has been overwhelmingly in favor of a referendum on liquor-by-the-drink; that a lot of people have spoken to having the choice in a democracy to have that choice and be able to vote on it; that he is a member of the Tourism Board and a lot of discussion has centered around not having a good hotel here to use as a springboard for incoming events; that he doesn’t feel that they typically come to a place without liquor-by-the-drink; and that he would support allowing a referendum.

Commissioner Cross stated that the comments from citizens from which he has heard have been varied; that he has talked with a lot of Siler City folks, some for and some against; that in the Southwest, a lot are not for it; that citizens in the Moncure area are not for it; that one of the reasons they are not for it is they do not believe that liquor-by-the-drink will bring up-scale restaurants to the area; that some are afraid that liquor-by-the-drink would promote drinking in some of the less desirable places; that the main reason that he would be unable to support liquor-by-the-drink is the “no action taken” from the Siler City Town Board; that he didn’t get elected to decide what is going to happen in Siler City and Goldston; that a County referendum would take that away from them; that if the liquor-by-the-drink passes in the County, they have liquor-by-the-drink without a choice; and that he will have to vote against it.

Commissioner Thompson stated that Commissioner Cross made a good point; that he has a concern that there would be no up-scale restaurants located in the rural areas, but that there may be some business who obtain a license who may not be as attractive to an individual community and may end up being a blight; that he feels that they have to look at both sides, 1) the potential for economic impact and the ability of

the County to attract up-scale restaurants and hotels to the municipalities; 2) the more pertinent question is whether the citizens should be allowed to make the decision; that from his personal perspective, he is considered a leader in the religious community and what he is getting from the religious community on the whole is a "no vote"; that while we know that the issue is whether or not the people should be allowed to make a decision, there is a perception that, to vote in favor of allowing that democratic process to take place, indicates that he is in favor of it; that is a perception, given his position, that he cannot afford; and that given the other concerns, he would vote against it.

Commissioner Kost stated that she appreciated the comments; that she thinks they have hit the nail on the head; that what they are asked to do is to put liquor-by-the-drink on the ballot and let the voters decide; and that there is no truer democracy than having a referendum.

Commissioner Kost moved to place a referendum for liquor-by-the-drink on the ballot on the first Tuesday in May. Commissioner Vanderbeck seconded the motion.

The County Attorney stated that the motion would be to request a voter referendum on the proposal on mixed beverages.

Commissioner Kost amended and restated her motion to request a referendum proposal for mixed drink on the ballot on the suggested date for Tuesday, May 2, 2009. Commissioner Vanderbeck agreed with the amendments.

Commissioner Vanderbeck suggested that the Board of Elections extend voting hours to accommodate the citizens without adding extra expense at other voting sites.

Commissioner Cross stated that he believes that we have municipal elections in October and November and, if the Board is going to proceed with this, he would prefer not to spend money for special elections to hold the voting.

Chairman Lucier stated that the cost would not be much different as in the November elections, it would only be within the city limits of Pittsboro and Siler City; and that would essentially be no savings by holding it in November instead of May.

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

MANAGER' S REPORTS

The County Manager had no reports.

COMMISSIONERS' REPORTS

Bonlee Community Forum:

Commissioner Thompson stated that he looked forward to seeing everyone in Bonlee on Thursday night, February 19th at 6:30 PM at Bonlee Elementary School for the community forum.

ADJOURNMENT

Commissioner Cross moved, seconded by Commissioner Vanderbeck, to adjourn the meeting. The motion carried five (5) to zero (0), and the meeting was adjourned at 10:08 PM.

George Lucier, Chairman

ATTEST:

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