

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
JUNE 21, 2010

The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met in the Agricultural Building Auditorium, 45 South Street, located in Pittsboro, North Carolina, at 6:00 PM on June 21, 2010.

Present: Sally Kost, Chair; George Lucier, Vice Chair; Commissioners Mike Cross, Carl Thompson, and Tom Vanderbeck

Staff Members Present: Charlie Horne, County Manager; Jep Rose, County Attorney; Renee Paschal, Assistant County Manager; Vicki McConnell, Finance Officer; Sandra B. Sublett, Clerk to the Board; and Elizabeth Plata, Deputy Clerk to the Board

INVOCATION AND PLEDGE OF ALLEGIANCE

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

CALL TO ORDER

Chair Kost welcome everyone present and called the meeting to order at 6:01 PM. She asked if there was anyone present who had come to speak at the Occupancy Tax public hearing stating that the public hearing had been cancelled.

She stated that a 3% recommended increase in the Occupancy Tax rate in the Manager’s Recommended Budget had been declined by the Board of Commissioners and that the Occupancy Tax rate will remain the same.

APPROVAL OF AGENDA and CONSENT AGENDA

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

The Chair asked consideration of the following:

- Item #4, Memorandum of Partnership Resolution Approving Chatham County Partnership with the Grater Triangle Stewardship Development Awards be removed from the Consent Agenda and placed on the Regular Agenda for discussion.
- Item #5, The Watershed Protection Ordinance Amendments be removed from the Consent Agenda and placed on the Regular Agenda for discussion.
- Item #8, Northwest Park Facility Rentals be removed from the Consent Agenda and placed on the Regular Agenda for discussion.
- Item #10, Landfill Siting Study Services Agreement with Camp Dresser and Mckee (CDM) Engineering be removed from the Consent Agenda and placed on the Regular Agenda for discussion.
- Item #15, Human Relations Committee Appointment of Jerry W. Powell to the Human Relations Committee be shown as Chair Kost’s appointment.

- A Resolution Supporting Safety Improvements for SR 1916 (Corinth Road) be added to the Agenda for discussion under the Manager's Reports.
- A Closed Session be added to the end of the Agenda.

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

1. **Minutes:** Approval of Board Minutes for Regular Meeting held June 07, 2010, Budget Public Hearings held June 01, 2010 and June 02, 2010, and Budget Session held June 03, 2010

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

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

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

3. **Fiscal Year Budget Amendments:** Approval of Fiscal Year 2009-2010 budget amendments, attached hereto and by reference made a part hereof.

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

4. ~~**Memorandum of Partnership Resolution Approving Chatham County Partnership with the Greater Triangle Stewardship Development Awards:** Adopt Memorandum of Partnership Resolution Approving Chatham County Partnership with the Greater Triangle Stewardship Development Awards and to promote the awards program, as applicable~~

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

5. ~~**Watershed Protection Ordinance:** Approval of Watershed Protection Ordinance Amendments to meet the Jordan Lake Buffer~~

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

6. **Northview Volunteer Fire Department Contract:** Approval of a contract with the Northview Volunteer Fire Department to provide fire, rescue, and first responder services within Chatham County formerly served by the West Sanford Volunteer Fire Department, attached hereto and by reference made a part hereof.

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

7. **Chatham County Proposed 2010 Student Essay Competition Winners Proclamation:** Adopt Chatham County Proposed 2010 Student Essay Competition Winners Proclamation #2010-33, attached hereto and by reference made a part hereof.

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

8. ~~**Northwest Park Facility Rentals:** Approval of a request to approve the Northwest Park facility rentals~~

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

9. **Home and Community Care Block Grant Board Appointment:** Approval of a request to appoint Rebecca Blalock to the Home and Community Care Block Grant Board by the full Board

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

10. ~~**Landfill Siting Study Services Agreement:** Approval of a request to approve the Camp Dresser and Mekee (CDM) Engineering Services Agreement for the Landfill Siting Study in the amount of \$114,095.00~~

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

11. **Zoning Board of Adjustment Public Hearing:** Reschedule public hearing date for the Zoning Board of Adjustment on an appeal of a determination by the Zoning Administrator to July 19, 2010 at 1:00 PM

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

12. **Preliminary and Final Plat Approval of "Governors Village Parcel C":** Approval of a request by GV Commercial, LLC for subdivision preliminary and final plat approval of "Governors Village Parcel "C", consisting of one (1) non-residential lot on 2.63 acres, located off SR #1008, Mt. Carmel Church Road and Moring (private), Williams Township

The Planning Department and Planning Board, by a vote of 8-0, recommended granting preliminary and final plat approval of "Governors Village Parcel C, consisting of One (1) non-residential lot on 2.63 acres with the following condition:

1. The following information and/or corrections shall be made to the final mylar prior to recordation:
 - Adjoining property owners
 - Parcel ID #8097
 - Correct scale

The Planning Board also recommended adding the following condition:

2. Any utility or stormwater easements must be relocated if a building is to be constructed over them and a new plat showing the location of the easement recorded prior to the approval of a building permit.

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

13. **Preliminary Plat Approval of "Briar Chapel – Phase 4, Kimbolton Place:** Approval of a request by Bill Mumford, Project Manager, on behalf of NNP Briar Chapel, LLC for preliminary plat approval of "Briar Chapel – Phase 4, Kimbolton Place, Lots 465 and 466", consisting of 2 lots on .44 acres, located off US Highway #15-501 North, Baldwin Township

The plat displays the necessary information and meets the requirements of the Subdivision Regulations with other agency approvals. The Planning Department and Planning Board, by a unanimous vote, recommended granting preliminary plat approval of Briar Chapel, Phase 4, Kimbolton Place, Lots 465 – 466 as submitted.

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

14. **Final Plat Approval of "Briar Chapel – Heather Glenn Circle":** Approval of a request by Bill Mumford, Project Manager on behalf of NNP Briar Chapel, LLC for final plat approval of "Briar Chapel – Heather Glenn Circle", consisting of 14 lots on

2.09 acres, located off Andrews Store Road, SR #1528 and Parker Herndon Road, SR #1526, Baldwin Township

The plat displays the necessary information and meets the requirements of the Subdivision Regulations with other agency approvals. The Planning Department and Planning Board, by unanimous vote, recommended granting final plat approval of "Heather Glen Circle" with the following two (2) conditions:

1. The plat not be recorded until the county attorney has approved the form and amount of the financial guarantee.
2. The plat not be recorded until the roadway, Heather Glen Circle, has been certified by an engineer to be adequate for emergency vehicle access.

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

15. **Human Relations Committee Appointment:** Approval of a request to appoint Jerry W. Powell to the Human Relations Committee by Chair Kost

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

16. **Set Date for Public Hearing on Borrowing of Funds:** Approval of a request to set July 19, 2010, 6:00 PM, as the date and time on which to hold a public hearing on the borrowing of funds for the construction of the judicial center

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

END OF CONSENT AGENDA

PUBLIC INPUT SESSION

Emily Lancaster, 585 Hadley Mill Road, Pittsboro, NC, presented her comments to the Board and provided them in their entirety for the record as follows:

"We are here today in support of the Agriculture Land Use Plan and to encourage the use of the Comprehensive Conservation Plan as a tool for Chatham County's sustainable communities and future development. We are a group of citizens who were recently involved in the planning board process due to a planned development in our community. We are farmers, long-time residents and newcomers. We are not against development. We are interested however that what development does occur be in the best interest of the community, the county as a whole and to future residents. Inappropriate development does not add value, rather it destroys the future value and rural nature of Chatham County. We are concerned that short-term financial gains may negate the long-term financial, environmental and cultural worth of rural lands in Chatham County. Our County Commissioners outlined the following goal for fiscal year 2009-2010: *Land use decisions are to be made consistent with the Land Conservation and Development Plan, including:*

- (1) *Preserving both form and function of rural character.*

By allowing the establishment of satellite communities that are as dense as townships themselves, farmland and open space are further marginalized. It is important to craft land use plans that preserve large tracts of open space for current and future agriculture and food production needs. Given the changing face of agriculture and Chatham County's close proximity to large urban areas the future vitality of the county may depend on the preservation of these spaces.

- (2) *Encouraging compact communities with a mix of activities.*

When satellite communities are created far from town, this isolates and narrows the use of the land in between the newly established development and the towns nearby, encouraging sprawl. This is by definition the opposite of compact community and functioning rural space,

and would speed up an otherwise organic process of city growth normally contingent upon jobs, employment and resources. It would further stress existing transportation networks.

(4) Developing an integrated approach to protecting and promoting high-quality open space, recreation, historical and tourism locations.

The most immediate threat to high-quality open space is development, and specifically development that does not include open space. By allowing development to occur in 25 acre increments without taking into account the accumulated effect, there is no way to address the preservation of open space or the rural character of the neighborhood. This accumulated development essentially destroys the form and function of rural character. It is in no one's interest, including the developer as a landowner, to develop in such a way that destroys the very attraction of Chatham County.

(5) Ensuring long-term quality and availability of groundwater and surface water resources.

Water continues to be a challenge for the area as recent droughts have shown. When satellite developments are created far from existing water networks, this inevitably results in more wells drawing upon a limited water table. In order to ensure that water is available for agricultural purposes it is vital to evaluate the effect of new development on water resources. Currently there are no requirements for this.

The gift of a Comprehensive Conservation Plan, recently put forward by the Chatham Conservation Partnership along with work done by the Agriculture Board are extremely valuable tools. We encourage the commissioners to give substance to these plans, and during this process to carefully consider the effect of new development on our rural areas. We are looking forward to working with Chatham County in this process. What can we do as citizens to help the county achieve the goals that were made for 2009-2010 year?"

Chair Kost stated that the Board is beginning the process for updating the County's Land Conservation and Development Plan; that it will be a process over the next two years; that the plan was first approved with no map; and that she believes that where Ms. Lancaster currently lives in unzoned.

Bunkey Morgan, 1970 Martha's Chapel Road, Apex, NC, presented his comments to the Board and provided them in their entirety for the record as follows:

"Last year as you were preparing the budget for FY 2009/2010 I reminded you to include the Pay for Performance (PFP) obligations you agreed to pay county employees meeting their requirements during FY 2008/2009. On a number of occasions this year I have reminded you again. Vice-Chair Lucier responded saying he would explore the employee pay issues. Chair Kost responded stating the importance of providing salary increases but this board did not include salary increases in the tentative budget.

May I remind you again, I am not requesting you to budget a salary increase for FY 2010/2011, all I am requesting is to pay county employees for work performed in FY 2008/2009. The compensation should be booked in the current year FY 2009/2010. Today is June 21, 2010 and there are nine days remaining in the current budget. As I stated before, I do not care where the funds come from, just pay the employees.

I am aware of the fact some employees did not complete all requirements because during your budget deliberations in May and June of 2009 some employees heard by the grape vine you were not going to fulfill your obligations. Yes, some employees just stopped, but many of them had already completed their part of the agreement. The employees who did stop should at least get the percentage increase of completion. The PFP quarterly reports would show what percentage they reached. A sample of the blank form is enclosed.

This agreement/contract was not officially changed by your board or staff before the employees and staff agreed to all terms and conditions. There is a copy of the policy enclosed. Once again the county not fulfilling the compensation for that one period could

justify a law suit. Sure employees may not bring action because of being afraid of getting fired, but I'm sure some citizens may.

Included in your package is current information taken off the Chatham County Internal Web site today June 21, 2010. It includes:

- Index page for Chatham County Internal Web showing links for 2008 Performance Agreement-Quarterly Review Form (Fill In & Print Out)
- 2009 Performance Agreement-Template
- Policies & Procedures linking to County Policies linking to Pay for Performance Policy (see enclosed Policy Revised July 20, 2005)

I realize this expense will play havoc with your budget, but you have no choice except to pay the bill.”

Included in Mr. Morgan's written comments was a copy of the Chatham County Pay for Performance Policy and Performance Agreement as follows:

**FY 2008-2009
PERFORMANCE AGREEMENT**

Name:

Department/Division:

DATE OF AGREEMENT:

Is this a revised agreement? Yes No

I believe the following agreement warrants a:

2% increase

4% increase

6% increase

MEETS REQUIREMENTS: I will meet all the minimum requirements of this position.

GOAL 1:

Is this goal: Meets Exceeds Outstanding

Objective 1:

Accountability:

What resources do you need to accomplish this objective?

Objective 2:

Accountability:

What resources do you need to accomplish this objective?

Objective 3:

Accountability:

What resources do you need to accomplish this objective?

GOAL 2:

Is this goal: Meets Exceeds Outstanding

Objective 1:

Accountability:

What resources do you need to accomplish this objective?

Objective 2:

Accountability:

What resources do you need to accomplish this objective?

Objective 3:

Accountability:

What resources do you need to accomplish this objective?

GOAL 3:

Is this goal: Meets Exceeds Outstanding

Objective 1:

Accountability:

What resources do you need to accomplish this objective?

Objective 2:

Accountability:

What resources do you need to accomplish this objective?

Objective 3:

Accountability:

What resources do you need to accomplish this objective?

GOAL 4:

Is this goal: Meets Exceeds Outstanding

Objective 1:

Accountability:

What resources do you need to accomplish this objective?

Objective 2:

Accountability:

What resources do you need to accomplish this objective?

Objective 3:

Accountability:

What resources do you need to accomplish this objective?

GOAL 5:

Is this goal: Meets Exceeds Outstanding

Objective 1:

Accountability: What resources do you need to accomplish this objective?

Objective 2:

Accountability:

What resources do you need to accomplish this objective?

Objective 3:

Accountability:

What resources do you need to accomplish this objective?

GOAL 6:

Is this goal: Meets Exceeds Outstanding

Objective 1:

Accountability:

What resources do you need to accomplish this objective?

Objective 2:

Accountability:

What resources do you need to accomplish this objective?

Objective 3:

Accountability:

What resources do you need to accomplish this objective?

Employee Signature Date

Supervisor Signature Date

Department Head Signature Date
REQUIRED FOR 6% AGREEMENTS

**Chatham County Pay for Performance Policy
Revised 7/05**

Chatham County bases employee pay increases entirely on merit. Employees receive annual pay increases based on their performance agreement and their supervisors' evaluation of their progress towards meeting the goals set forth in their agreement. In accordance with this, the following policy is adopted.

Annually, employees who wish to receive a pay increase the following year must prepare and negotiate a performance agreement with their supervisor. The agreement must be developed by the employee, approved by the supervisor and/or department head, and approved by the County Manager's Office. Employees who do not submit an agreement by the deadline will not be eligible for a pay increase for the upcoming year. All agreements must be filed with the County Manager's Office to be valid.

As long as employees meet the basic requirements of their jobs, as outlined in job descriptions and by supervisors, employees are free to choose at what level they wish to perform. Categories of performance are Meets Requirements, Exceeds Requirements, and Outstanding. The pay range for performance is zero to six percent. Each year the County Manager's Office, with feedback from department heads, will determine the pay range for each category of performance within this overall range.

Employees at the midpoint of their salary range or higher who successfully complete the requirements of an outstanding agreement will receive 2% of their raise in the form of a lump sum bonus.

The definition of the categories of performance are hereby incorporated by reference. The definition may change as circumstances warrant.

As circumstances warrant, employees may renegotiate the agreement during the year to reflect changing circumstances. Employees may add, delete, and change goals and may renegotiate their rate of increase up or down. May 15 is the last day revisions may be submitted to the County Manager's Office. Changes to the agreement must be approved by the employees' supervisor, the employee's department head (for outstanding agreements) and the County Manager's Office. The reasons for the changes must be valid and must be documented in the revised agreement. These agreements must be filed with the County Manager's Office to be valid. The changes made to the agreement must be consistent with the categories of performance currently in effect.

At least two times during the year, supervisors must meet with employees to discuss their progress towards meeting goals outlined in the agreement. Goals may be changed at the initiative of the supervisor or the employee, as long as the change is agreed to by the other party.

Performance agreements are due on August 15. The evaluations of agreements are due on June 15th for pay increases effective July 1.

New employees, promotions, demotions, and transfers before January 1

Employees hired, promoted, demoted, or transferred before January 1 should prepare and submit an agreement for approval within two months of the date of the action. The agreement should set forth the expectations for successfully completing probation, as well as the goals to be accomplished by the end of the fiscal year. These employees are eligible for the same pay increase as other County employees, but the amount of the increase will be prorated based on the employees' hiring date. (For example, an employee hired on October 1 who submits an outstanding agreement will be eligible for a 4.5 percent pay increase on July 1 of the following year). Months will be prorated as follows:

- The raise of an employee hired before the 15th of the month will be prorated according to the month in which the employee is hired. (For example, the raise of an employee hired on October 14th will be prorated 75 percent.)
- The raise of an employee hired on or after the 15th of the month will be prorated according to the next month. (For example, the raise of an employee hired on October 15th will be prorated 66.7 percent.)

New employees, promotions, demotions, and transfers after December 31

Employees hired, promoted, demoted, or transferred after December 31 are not eligible for a pay increase through pay for performance. Supervisors may request that the employee submit an agreement to specify goals which must be met during the probationary period. Employees

earning an amount equivalent to the hiring rate of their position may also be eligible for a market adjustment on July 1 (depending on funding by the Board of Commissioners).

Work Against and Trainee Status

Employees who are on trainee status (and are restricted by state law from pay at the rate of a fully qualified employee), will be subject to the same guidelines, except that the employee will receive a bonus for any amount that exceeds the hiring rate of the fully qualified grade. Employees who are in a work-against status are subject to the same guidelines as fully qualified employees, provided that they do not exceed the maximum salary rate of the work-against grade.

Promotions

To avoid penalizing employees for promotions, employees who are promoted during the year will be “held harmless” in regards to the amount of their agreed upon pay increase, as long as the employee was on track to achieve his/her increase before the promotion and is performing his/her new job at least a meets requirement level. For example, assume an employee is earning \$25,000 a year, submits an agreement for a 6% increase, and is promoted to a new position in which he earns \$26,000 per year. If the employee had not been promoted, his/her salary would have been \$26,500 at the end of the year. On July 1, the employee’s salary will be increased from \$26,000 to \$26,500 to hold him harmless for the promotion. In addition, employees who are promoted during the course of the year may incorporate goals from their previous agreement, depending on the degree to which their former position and new position are similar. In addition, the level of the goals (meets requirements, exceeds requirements, or outstanding) must be evaluated in light of their new position.

Audits

After evaluations have been submitted, an Audit Committee appointed by the County Manager will audit one employee per supervisor to ensure the adequacy of the employee’s documentation. The Audit Committee may recommend pay revisions where adequate documentation was not produced. Meets-level agreements will not be audited. If the Audit Committee finds a problem with documentation, pay increases for that supervisor’s employees will be frozen until one or more additional employees can be audited. Any adjustment in employee pay that results from the supervisor’s failure to perform his/her duties adequately will result in an equivalent adjustment to the supervisor’s pay. Supervisors may also be disciplined, up to and including dismissal, if it is determined that the supervisor did not perform his responsibility of ensuring adequate documentation.

Mandatory Training

As part of the evaluation process, all employees must produce documentation that they attended mandatory training. Employees who do not attend mandatory training will have their pay adjusted.

Adopted May 7, 2002
Revised July 1, 2003.
Revised July 20, 2005
Charlie Horne, County Manager

Chair Kost stated that when this was discussed during a budget work session, it was very difficult for them; that they value the employees and the work that they do; that they have been asked to do more with less; and that the Board of Commissioners has agreed to hold a special work session in the fall to reevaluate the budget to see if there is anything that can be done during the current year.

Mr. Morgan stated that that would be very good for next year and the following year; however, this is for past work that the Board was obligated for; that this is not for the future; that this is for the past that should have been paid in 2009-2010.

Commissioner Lucier stated that he is sympathetic with what Mr. Morgan said; that the Board’s dilemma is that, unlike the feds, we can’t go down in the basement and print

more money; that they have to balance their budget; that they don't have a choice; their revenues are down; that they have not laid off employees; that they have not laid off any teachers nor County employees; that the only reason they are able to do this is to suspend the pay raises; that the choice that they had as the Board of Commissioners was laying some people off, including teachers, or give pay raises; that they chose not to lay off people because Chatham County is already a lean government; that they have 20% fewer employees per capita than the average county in North Carolina; and that this means that our employees do a good job; that they are efficient; that in the fall, they are going to do whatever they can to give proper reimbursement to employees.

Mr. Morgan asked if the Board even considered the obligation already contracted for when the budget was made this year.

Chair Kost replied that they had. She stated that when the retreat was held in January, it was discussed at that time; that they actually talked with the Manager at that time about including it; and that when the Manager prepared the budget, there was no revenue for it.

Jep Rose, County Attorney, explained that the County had a policy which was based on a procedure the County employees used who were seeking a raise; that the performance agreement warranted a pay increase; that he doesn't think there is anything in that agreement or in the policy that legally obligates the County to give a raise or could be; that if an employee wanted to be considered for a raise, he had to execute an agreement and get it approved by the supervisor and by the department head in the County Manager's Office; and that if he didn't do that, he couldn't get one.

Mr. Morgan questioned the terminology of one who "wished" to get a raise, asking if a wish was sort of like possible.

Mr. Rose responded that he didn't think there was any obligation on part of the County and that the County has certainly tried to give raises as they can.

Mr. Morgan asked if that would not be classified as a contract/obligation. Mr. Rose responded that it would not.

Mr. Morgan stated that he was not an attorney, but he does think the courts would consider it a contract.

Peter Theye, 1065 Boothe Hill Road, Chapel Hill, NC, stated that later this fall a new school, Margaret Pollard Middle School, will open on Andrews Store Road; that there will a light at the intersection; and that the Board of Commissioners has done a good job of protecting the citizens by pushing for a light.

He stated that he has also worried about the Division of Water Quality (DWQ) oversight for sometime as it relates to several developments; that he has not received answers from the state about several crossings; that he asked specifically what the DWQ policy was on crossings and has not received an answer; that our County has worked very hard on soil and erosion concerns in recent years and that losing Jim Willis was a huge loss for the County; that he doesn't think DWQ is monitoring the concerns; and that any help the Board of Commissioners can give would be help would be appreciated.

Chair Kost asked Mr. Theye to provide the information to the County Manager so that he could look into the matter.

COURTHOUSE UPDATE

Charlie Horne, County Manager, stated that the strength testing on walls of the historic courthouse is complete; that they have been found to be in good shape; that they are now in process of putting together temporary roof stabilization; that they anticipate bids will be opened on July 2 and work to start shortly thereafter. The task force work will continue with a forum on June 29th.

Chair Kost stated that an important point to note is that this is a temporary roof to stabilize the building until a permanent roof is put on; that she knows that once the work begins, people will be calling questioning the roof aesthetics. She asked if the Board of Commissioners would need to award the contract on the roof work.

The County Manager stated that the Board would need to award the contract and that it should be ready at the next Board of Commissioners' meeting on July 19th.

Commissioner Lucier asked if the Board might want to consider having the Chair and Vice Chair look at the contracts as the longer the building stays uncovered, the greater the chance of additional damage.

Commissioner Vanderbeck stated that the 19th is probably the soonest that they will get it as the bid process takes a while to complete.

Commissioner Cross moved, seconded by Commissioner Vanderbeck, to allow the Chair and Vice Chair to work with the County Manager and the County Attorney to enter into a contract for the temporary roof after the bid opening.

After further discussion, Chair Kost stated that if the process is not slowed by waiting, they will wait until the July 19, 2010 Board of Commissioners' meeting to proceed.

Chair Kost called the question. The motion carried five (5) to zero (0).

Chair Kost asked if there was an update on the Highway #87 round-about project. The County Manager stated that it was on schedule with a projected target date the first part of August.

Commissioner Vanderbeck stated that he had heard that they may add 7-13 days onto the project; that they originally planned, with good weather, that they could complete the round-about or the elliptical in 90 days; that the sidewalks may facilitate that it be kept closed down; that the Rural Planning Organization met with DOT to see if there was a way to allow some flow through the area temporarily while the sidewalks were being installed; and that they do, however, have 120 days to complete the process as per their contract.

COMMISSIONER PRIORITIES

Lease Purchase Agreement with Apple Computers: Approval of a request by Chatham County Schools to enter a lease purchase agreement with Apple Computers

Renee Paschal, Assistant County Manager, explained that the request by the Board of Education is to enter a lease purchase agreement with Apple Computers; that the contract will not require the Chatham County Board of Education to pay any amounts in the current fiscal year, but may require the Chatham County Board of Education to pay Apple, Inc. a total of up to \$2,437,287.43 over the subsequent three fiscal years in payments of up to \$812,429.14 beginning in fiscal year 2012, 2013, and 2014; and that this would be done by adoption of a resolution.

Robin McCoy explained that the original plan was to ask the Board of Commissioners to assist the Chatham County Schools through a lease-to-own agreement to move forward with a total K-12 digital learning environment which included a refresh of the Northwood, Chatham Central, and Sage high schools; that although they would still love to do that, they have spoken with Chatham County Administration and realize that the feasibility of having that happen at this time is unlikely; that if funding does not permit, a first phase would include new Mac Books for all students at Chatham Central, Northwood, and Sage and an iPad for one grade level in the school district; that additional technology could be phased in over a three to five year period until the goal of a total digital learning environment is achieved; that during this period, the possibility of acquiring technology via open source can be investigated while ensuring the increase of technical support, staff development and infrastructure.

The Board engaged in an extensive discussion regarding the specifics of the proposed agreement including, but not limited to, the cost related to the laptop refresh and the purchase of iPads for 8th grade students. The Board discussed potential disparities across schools if one school received technology and another did not. They further discussed options related to funding the laptop refresh at this time, the amount of funds taken from the appropriate funding source, and waiting to make a decision on the iPad proposal separately.

Chair Kost asked if the Board decided to go with the iPads for 8th graders, could they not use some of the Pollard construction dollars for those iPads for Pollard Middle School. The Finance Officer replied that if they were used at Pollard, they can use the funds.

Jeff Lloyd, Apple Computers representative, stated that one of the things that his team has done with the school district is to ensure that the Pollard learning environment is paid for and all the numbers for the 8th graders and any other students there is included to use construction funds; that Pollard School is taken care of as its own entity; and that the proposal includes anything needed to do with the high school refresh as well as one grade of all other middle schools with the exception of Pollard.

Commissioner Lucier questioned the recurring costs, taxes, and number of applicable years.

Commissioner Vanderbeck stated that he could work with the figures if they were for grades 9-12; that he supports 8th grade due to the transition from 8th grade into high school; and that those who structure the curriculum would best be suited to determine which technology is used. He expressed concern with the sense of urgency to do this now.

David Moody stated that one reason they went with iPad is that they can get three of them for the cost of one laptop and they felt like it was a better use of their money. Ms. McCoy concurred.

Commissioner Cross questioned if the Pollard Middle School was already funded and contracted for iPads. McCoy stated that it was Mac Books.

Becky Douglas stated that there was a cart for every two classrooms that would hold 30 iPads; that when the spreadsheet was done two years ago, the iPads were not yet on the market; that one reason that the technology budget was separate for Pollard Middle School was because they knew that there would be new technology available and they didn't want to be held to old technology while they were waiting for the new school to be built.

Commissioner Cross expressed concern that one middle school was getting something that the other schools were not getting. All Board members concurred.

Commissioner Thompson asked if all students having electronic equipment makes for more effective learning and what has convinced them. McCoy stated that one is the huge engagement they get from students; that it enables them to have information so quickly for students to be able to access other types of information and resources and to evaluate which sources are credible or not. Ms. Douglas concurred.

Commissioner Lucier stated that he didn't know which technology tool would be best, but his preference was to do something for all 8th graders across the County. He asked if this was done, could we accrue some savings out of Pollard Middle School which could then be redistributed to other schools.

Chair Kost stated that she didn't think funds could be redirected from the Pollard Middle School to other schools because of the financing structure. Ms. McConnell concurred.

Chair Kost stated that they should encourage the schools to evaluate the 6th and 7th graders at Pollard Middle School; that in the next phase of this plan, to provide for all the middle schools; that Pollard Middle School then be done, but to not do just one (Pollard) at this time.

By consensus, the Board agreed.

Mia Munn, 694 Sugar Lake Road, Pittsboro, NC, presented her comments to the Board and provided them for the record as follows:

“I have emailed some comments on the iPad proposal to each of the commissioners, but I have some additional reasons I oppose it. First, a procedural reason – this agenda item was introduced as being at the request of the school board. It is not. In fact, the school board will be voting on the proposal you have now layer this evening. It is the last item on their agenda. I ask you to not approve the proposal until the board has approved it.

Second, is for pragmatic reasons. Technology is a tool that requires more than just computers. It needs adequate technical support – by the district’s own staffing guidelines, adding the iPads requires an additional technician, at about \$45,000, or the cost of a teacher. That is not included in the budget. There must be adequate training. The Apple proposal includes some training, but not all that is needed. There are no state or local training funds in the 2010-11 budget. The proposal includes some applications, but likely not everything that is needed for classes to use the iPads. There is no money in the budget for textbooks which could be used for applications. And most of all, teachers need time in order to adapt their teaching materials to make use of the iPads. School starts in 65 days. In that time, the iPads have to be ordered and delivered, the teachers trained, and then the teachers have to adapt their materials. That’s not all going to happen in 65 days.

Third, I’m against the iPads because of fiscal responsibility. You can do whatever you want with your own money, but you need to make responsible decisions with the taxpayers’ money. Early adopters always pay more. The price will drop over the next year. We don’t want to pay to learn lessons later districts will benefit from. Mr. Logan has been talking for a year about the \$3.4 million funding cliff we are facing in 2011-12. That’s about 67 teachers. The iPads will commit funds starting in 2011-12, the equivalent of 5 teachers. 45 minutes ago, Mr. Lucier said, “our revenues are down.” It’s not responsible to commit those funds now. Also, if this increase in technology was truly a priority, it would have been included in the budget request in March. Instead, the proposal didn’t come until after the board and administration went to a very persuasive sales presentation from Apple.

If you want to do a pilot, then use Pollard as the pilot, since those funds are already available. Wait on buying iPads until there is a funding stream, and until there is a well-thought out plan, and time, for how they will be used to improve education.”

Chair Kost stated that she raised the issue of a pilot and the concern was the equity issue just discussed; that she was looking at the 8th graders being the pilot; and that she agrees with the refresh.

Ms. Munn suggested that they wait until the January meeting to see whether there is a plan in place, see what the price has done as she expects it to be considerable cheaper, and give it a year to see what the economic situation is like because unless things turn around; that this school system is already going to be asking for 3.4 million dollars or cutting 67 staff members; and that Mr. Logan has said that at almost every meeting in the last year.

Ms. McCoy said that they have a .5 position for a technician; that they have received no money from the State for staff development; but they have disadvantaged student funding, Title I funding, and Title II funding; that have been working with Apple and have a plan created both teachers and lead technology specialists at each of the middle schools; that it would be a really fast grow out to be able to get the computers, train the teachers, and be ready to start; that the plan is to be able to do that during the first semester and implement it with the children during the second semester.

Commissioner Lucier stated that he thinks it is clear that this Board is ready to approve the updates for grades 9-12 for Northwood and Chatham Central; that he would recommend that the Board do that tonight by adopting the resolution.

Chair Kost stated that it includes other things than just the iPads; that it also includes servers and other equipment. She asked if he was including that in the figure. Commissioner

Lucier responded that he was, stating that it was \$638,000.00 per year for three years with no payments due until fiscal year July 2012.

Mr. Lloyd stated that this deal was approved as an entire deal; that there are iPads in this; that it is important for him to note that it affects the financials if that piece is pulled out; that he thinks they have been very clear with Mr. Logan and the Chatham County Schools; that the Board of Commissioners is within its rights to say they do not want to include iPads but it a complete package that has been arranged; that if the Board needs figures without the iPads, he can get them.

Commissioner Lucier questioned the quoted costs of \$587,000.00 per year for three years provided by Apple representatives from the June 7th meeting on Option 1 (grades 9-12). Mr. Lloyd included tax figures.

Commissioner Lucier asked if that figure included the servers and stated that it would be good to have those figures. He stated, that based on what he had heard, he felt that the Board was probably not going to move forward on the iPads tonight. He asked the cost of doing it for everyone; that they do not have quite the same sense of urgency; and that they could possibly make a decision at their July 19, 2010 Board of Commissioners' meeting on that part of it.

Chair Kost stated that she felt the most pressing issue now was getting the computers ordered for grades 9-12 at the start of the new school year; that she thinks they need to address some of the concerns with the iPads and be a little more careful; and that her concern is that the quote has three things: 1) the refresh; 2) the iPad; 3) a bunch of other which is needed; and that they need numbers in order to proceed.

Commissioner Thompson asked if these are additional funds that they are committing to in the future or if they will be absorbed.

Ms. Paschal stated that that was discussed with administration that they would pay the amount for the lease but that would come off of their regular capital outlay appropriation.

Commissioner Lucier stated that the way staff has worked with the School System to make it happen has been wonderful.

Ms. McCoy asked what was expected from them by the Board of Commissioners as they have a staff development plan laid out to address it. Chair Kost stated that she felt that was crossing the line of responsibility of the commissioners.

Commissioner Lucier stated that he felt that they would need a time table that would be integral to the funding about when it would happen and when the staff development training would be done and everything done for the 8th graders. Ms. McCoy stated that was to be done at the beginning of August. Commissioner Lucier stated that they still need to see it and how it is structured.

Chair Kost stated that in order to adopt a resolution that deals with everything except the iPads, they need some figures. She asked what the other changes to the resolution were to be.

Ms. Paschal stated that one change was to the fiscal year's start date for the payments.

Jep Rose, County Attorney, stated that the other change was to repeat the information in the first paragraph in the "NOW, THEREFORE, BE IT HEREBY RESOLVED..."

Chair Kost asked if the Board was comfortable with the resolution with the noted changes. By consensus, the Board agreed.

The School Administrators agreed to return with the information in an hour. The Board of Commissioners agreed to wait for the information.

Greater Triangle Stewardship Development Awards (GTSDA) Program:

Fred Royal, Environmental Resources Director, explained that the Greater Triangle Stewardship Development Awards Program (GTSDA) has recently formed as a 501 (3) C and has a fully developed annual awards program to highlight exemplary development projects that best meet the criteria guidelines; that the program includes criteria, policy, Governing Council, judging panel, technical panel, sponsors and support partners; that Chatham County is one of seven counties being invited to participate as a supporting partner which includes general support and promotion of the GTSDA program; that he has helped develop the program and would continue to serve on the Governing Council and assist with the program implementation; that the cost of the partnership will be very limited to include staff salary time, with an estimate of 2-4 hours per month average; and that the program would be announced on the County website with links to the GTSDA website. He further explained that the changes in the resolution are minor and mainly include the removing of the word "The" after "Whereas" in the resolution.

Commissioner Lucier moved, seconded by Commissioner Cross, to approve the **Memorandum of Partnership Supporting the Greater Triangle Stewardship Development Awards Program #2010-34**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Watershed Protection Ordinance:

Mr. Royal stated that the Jordan Lake Nutrient Management Strategy (Jordan Rules) aims to restore, protect, and maintain the water quality of Jordan Lake. The rules (15A NCAC 02B.0262 -.0273) became effective August 11, 2009. Session Laws 2009-216 and 2009-484 modified the rules. The rules include riparian buffers, agriculture, nutrient management, stormwater and wastewater. The effective Chatham County Watershed Protection Ordinance has been amended as a draft (amended 3/3/10) with the intent of meeting the Jordan Lake buffer rules.

The amended ordinance is in draft form and is under review at the NC Division of Water Quality (DWQ). The County will be notified by letter from DWQ as to the status of the review in the coming weeks. DWQ will submit the draft ordinance to the Environmental Management Commission (EMC) in September 2010 with recommendations for approval. EMC will review and comment/approve the draft ordinance. Chatham County will adopt the draft ordinance as final in November 2010.

The summary highlights the key amendments to the ordinance and describes what some of the changes mean and how the amendments will be applied to the existing ordinance. Staff recommends that the Jordan Lake Buffer Rules only apply to the Jordan Lake Watershed Area, primarily due to the potential additional administrative/resource requirements and where the existing ordinance has been an effective County-wide buffer ordinance for water quality protection.

He stated that it is the recommendation of the Environmental Resource Division staff that the Board of Commissioners reviews the draft ordinance in the coming weeks and receive any comments from DWQ and recommendations from the Environmental Review Board (briefed at their April 15th meeting) and planned again for their July 15th meeting for recommendations. The Board of Commissioners may also consider additional conditions to be imposed upon the receipt of any comments from DWQ or the Environmental Review Board.

Mr. Royal answered questions from the Board.

The Board took no action on this item and will revisit the issue at their July 19, 2010 Board of Commissioners' meeting.

Northwest Park Facility Rentals:

Chair Kost explained that on January 04, 2010, the Board adopted the fee schedule and rules pertaining to the Northwest Park but the pool rules were not approved.

Tracy Burnett, Chatham County Recreation Director, explained that there is a 30 x 50 swimming pool at the Northwest Park located on Woody Store Road in Siler City. The pool is not big enough to offer open public swimming. The Recreation Department has received telephone calls from private groups and individuals about renting the swimming pool. There is a dining hall and an activity center located at the park as well. They received requests from agencies, private groups, and individuals about also renting those facilities.

She explained the rental policy rates, adjusted to be more reflective of other rental rates and liability and answered questions from the Board.

Commissioner Vanderbeck moved, seconded by Commissioner Lucier, to approve the Northwest Park Facility rentals, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Landfill Siting:

The County Manager explained that the County currently operates 12 staffed collection centers located throughout the County. The collected solid waste is then transferred to the WMI Siler City Transfer Station. In 2009, the County conducted a Landfill Feasibility Study to determine its cost effectiveness. The study concluded it was more economically favorable for Chatham County to own and operate its own landfill than to transfer the solid waste out of the County and is considering the development of a new Municipal Solid Waste Landfill capable of handling up to 500 tons per day with a 40-year life within Chatham County.

The County Manager further explained the specifics of the engineering services agreement.

Commissioner Lucier moved, seconded by Commissioner Vanderbeck, to approve the Camp Dresser and McKee (CDM) Engineering Services Agreement for the Landfill Siting study in the amount of \$114,095.00, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

BREAK

The Chair called for a short break.

Public Hearing:

Public Hearing on Proposed Financing Using Qualified School Construction Bonds: Public hearing to receive public comments on the proposed financing using qualified school construction bonds; and consideration of a request to approve **Project Ordinance Concerning School Construction Projects Funded by 2009/2010 Qualified School Construction Bonds**

Vicki McConnell, Finance Officer, explained the specifics of the request stating that the American Recovery Reinvestment Act of 2009 established the Qualified School Bonds (QSCG) Program to assist school districts in funding the construction, rehabilitation, or repair of public schools or the acquisition of land for such facilities. The Chatham County Board of Education submitted an application to the North Carolina Department of Public Instruction and was approved to seek QSCB authority in the amount of \$4,396,129 to fund roof replacements, renovations to two auditoriums, and renovations to restrooms within several school facilities throughout the County. Before borrowing funds the County must hold a public hearing to receive public comments on the project and the borrowing of funds for the project.

Chair Kost opened the floor for public comments.

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

Chair Kost closed the public hearing.

Ms. McConnell asked the Board to adopt the project ordinance.

Commissioner Lucier moved, seconded by Commissioner Vanderbeck, to adopt the **Project Ordinance Concerning School Construction Projects Funded by 2009/2010 Qualified School Construction Bonds**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

School Renovations of Restrooms, Repairs to Roofs and Auditoriums: Approval of a request to approve Resolution, Deed of Trust, Installment Financing Contract, Lease Agreement and Agency Agreement for the renovations of restrooms and repairs of roofs and auditoriums in the schools

Ms. McConnell explained the specifics of the request and asked the Board to adopt the resolution authorizing the renovations of the restrooms, repairs to roofs, and renovations to auditoriums, ratification of prior actions, and approve, authorize, and execute the financing contract.

Commissioner Vanderbeck moved, seconded by Commissioner Lucier, to adopt **Resolution #2010-35 of the Board of Commissioners of the County of Chatham, North Carolina, Approving a Contract, A Deed of Trust, a Lease Agreement, and an Agency Agreement with Respect Thereto and Delivery Thereof and Providing for Certain Other Related Matters**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

PLANNING AND ZONING

Public Hearing:

2007 Community Development Block Grant Scattered Site Housing Program Closeout: Public hearing to receive public comments to close out the 2007 Community Development Block Grant Scattered Site Housing Program

Jason Sullivan, Planning Director, explained that the public hearing is required for the purpose of gathering public comments prior to closing out the County's FY-2007 Community Development Block Grant Scattered Site Housing Program Project. He explained the project included rehabilitation of eight substandard housing units owned/occupied by low income persons and emergency repairs (under \$5,000 each) of ten homes owned/occupied by low income persons. Once the close-out public hearing has been held, the close-out documents will be prepared and the chair will be authorized to review and execute the documents and submit to the NC Department of Commerce – Division of Community Assistance to initiate the close-out process.

The Chair opened the floor for public comments.

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

The Chair closed the public hearing.

Commissioner Thompson moved, seconded by Commissioner Lucier, to proceed with the close-out of the 2007 Community Development Block Grant Scattered Site Housing Program and to authorize the Chair to review and execute the documents and submit to the NC Department of Commerce – Division of Community Assistance to initiate the close-out process. The motion carried five (5) to zero (0).

First Plat Approval of "Shambley Meadows, Phase IV": Approval of a request by H & A Properties, Inc. for subdivision First Plat approval of "Shambley Meadows, Phase IV, consisting of 11 lots on 25 acres, located off SR #2165, Hadley Mill Road, Hickory Mountain Township

Jason Sullivan, Planning Director, explained the specifics of the request as follows:

There are currently 23 lots in Shambley Meadows. Phase I was approved by staff as a five (5) lot minor subdivision on January 26, 2005. Phase II was approved by the Board of County Commissioners on September 19, 2005, consisting of 11 lots. Phase III, consisting of seven (7) lots, was approved by the Board of County Commissioners on February 20, 2006. Lots are served by individual septic systems and repair areas and individual wells and are accessed by state maintained roadways.

The request before the Board is for First Plat approval of Shambley Meadows, Phase IV, consisting of 11 lots on 25 acres. The property is within a Local Watershed Area which allows a 40,000 square foot (useable) lot size if county water is available and a 1.50 acre (useable) lot size if County water is not available. County water is not available at this time. The lots are accessed by the existing public road, Hadley Mill Road, SR #2165 and a proposed new public, state maintained road, Meadowlark Circle. As shown on the First Plat, Meadowlark Circle is proposed to be a cul-de-sac approximately 545 feet in length. Road plan approval from NCDOT for Meadowlark Circle will be provided at the time of construction review. The Chatham County Emergency Operations Office has stated that the proposed road name is not a duplication and can be submitted for approval. The applicant/developer, Harold Howard, has completed the Subdivision Concept Plan process, which included a mandatory meeting with neighbors and community. This meeting was held on May 21, 2009 at 248 Shambley Meadows Drive. Informational letters (12) with a map attached were mailed to all adjacent property owners within 400 feet of the property and the property was posted with an informational sign. Nine (9) people attended the meeting. Mr. Howard met with the Technical Review Committee on August 12, 2009 to answer questions regarding the proposed subdivision. The staff members and others attending the meeting asked questions regarding the presence of historical features, type of roadway, and placement of homes on the proposed lots in regard to location of the perennial stream. Staff has received a written statement from Mr. Howard stating that the property does not contain any historical structures or cemeteries.

The property does not contain steep slopes of 25% or greater as defined in the Soil Erosion and Sedimentation Control Ordinance revised December 2, 2008, "Steep Slope - Includes all land on gradients of twenty-five (25) percent or greater, or twenty (20) percent or greater on soils with a RUSLE K-Factor of 0.49 or higher. Steep Slope areas are provided on the Chatham County GIS Website (<http://www.chathamgis.com/>)."

Since the subdivision contains less than 25 lots, the developer was required to submit General Environmental Documentation information. A copy of this document can be found in the Application Booklet. The Environmental Review Board met on December 17, 2009 to review the documentation. A copy of the Environmental Review Board (ERB) recommendations can be found in the Application Booklet. The property contains areas of 15% slopes as shown on attachment #3. The recommendations from the ERB include a request that no ground -disturbing activities are conducted on areas of 15% slopes. Attachment #3 shows the proposed house sites to be located outside the 15% slopes. Most of the 15% slope area is located within the riparian buffer. The ERB also recommended that the developer contact the NC Natural Heritage Program for information on the Loggerhead Shirke, which is shown as an Element Occurrence (EO) county wide. Mr. Howard contacted Harry LeGrand, Vertebrate Zoologist with the NCNHP. See attachment #2. Mr. LeGrand stated "that the species nests around the margins of large fields; placing the nest typically in a tree or dense shrub along a vegetated hedgerow; species favors larger pastures; and that the shrike is a scarce species as far north as Chatham County, though a handful of pairs do nest there." Mr. LeGrand also stated that "apparently your property has not been surveyed for shirkes, so we do not know if the birds are present." The ERB reviewed the First Plat and the additional information provided by the surveyor on May 20. Per an e-mail from Fred Royal, the ERB "approved the plans per their previous comments. They stated that the plan meets their comments."

Fred Royal conducted a riparian buffer review on October 24, 2008. The northern property line (back property line of the lots) is a perennial stream. This stream requires a 100 foot wide riparian buffer to the measured from the top of bank landward. The riparian buffer areas are defined as "a natural or vegetated area that provides a protective distance between a

seep, spring, stream, perennial water body or wetland and an adjacent land area which may be converted to some other use.” The property is not within the 100 year flood plain. The property is located within a Local Watershed Area.

Each lot will have an on-site individual septic system and repair area and will be served by individual on-site wells. Thomas Boyce, Chatham County Soil Specialist has reviewed and approved the soils report and map prepared by Neal Floyd, Soil Scientist. Mr. Floyd states in his report “All lots are capable of supporting 4 bedroom (480 gpd) conventional systems.....” See the soils report and map included in the booklet.

As part of First Plat review the applicant is required in Section 6.2, Additional First Plat Information, (D) and (E) to submit a stormwater plan, an erosion control plan and a utility plan for review, if applicable. Fred Royal, Environmental Resources Director, reviewed a preliminary stormwater plan and stated in an e-mail “it appears to be heading towards satisfying the requirements of the stormwater ordinance although a full submittal will be reviewed for this determination with future construction-ready documents”. Jim Willis, Lead Soil Erosion and Sedimentation Inspector, reviewed the erosion control plan and stated “the concept of the plan is sufficient for erosion and sediment control. A more complete review of design criteria and detail specifications will be conducted when a full application is made for SECS plan approval and a land disturbing permit”. Since County water is not available, no utility plan review was required. There was not a request from the Board of County Commissioners or the Planning Division for review by the Appearance Commission or the Green Building Task Force.

The applicant submitted for First Plat Review on April 16, 2010. The Technical Review Committee met on May 12th (2nd review) to discuss the application. Andy Siegner, Environmental Health Supervisor, reviewed the soils report and map and found the information acceptable. No other comments were received from the TRC. Staff sent an e-mail to David Moody with the Board of Education notifying him of the proposed subdivision and provided an application booklet. Mr. Moody stated to staff that the Board of Education had no objection to the subdivision.

On June 1, the Planning Board heard the request initially as a Subdivision Public Hearing with public comment, along with staff presentation of the results of the recommendations from the ERB, BOE and Planning Division. Mr. Howard addressed the Board and gave general information about his request. Several property owners, Billie Shambley, Farrel Moose, Emily Lancaster and Bill Dow spoke at the public hearing in opposition to the proposal. Concerns expressed by these property owners included the distance from Pittsboro, change of property use from farmland to residential lots, water usage, water needs for farming, potential plans to develop adjacent property and cumulative effect, increased traffic on Hadley Mill Road, current subdivision road being blocked off from Jay Shambley Road, and conserving farmland. Mr. Howard addressed the questions. He stated that none of the existing homes in Shambley Meadows Subdivision had any water problems; that some wells got 40 gpd; that the soil was good for septic systems; that he currently did not own any more land in the area; that the Troy Howard, LLC owned the balance of the property; that he would like to develop more in the future, if the land comes available; and that the Shambley Meadows Road has not been taken over by NCDOT for maintenance at this time and until that happens, he plans to leave the road blocked off to prevent increased traffic on the road for maintenance reasons.

After the Public Hearing, the Board had the option to discuss the issue and make a recommendation at the June 1st meeting or to postpone for up to three (3) additional meetings. The Planning Board chose to discuss the request and make a recommendation.

The Subdivision Regulations states that “The approval of the First Plat by the Planning Board and the Board of Commissioners serves as permission to begin acquiring permits according to the plans and as a basis for preparation of the construction plan.” The Regulations also allow the Board of Commissioners to indicate by majority vote whether to consider the subdivision plans for the next phase, Construction Plan, or the next two Phases, Construction Plan and Final Plat. Staff recommends that the next two phases, Construction Plan and Final Plat, be reviewed and approved by staff.

The Planning Board discussed the request. The Board questioned whether there was an existing Homeowners Association that could work to address some of the concerns of the neighbors, and whether the builder/developer planned to do any 'green' building. Concern was expressed regarding the number of new driveways (5) proposed to access Hadley Mill Road. The Board stated that they preferred to see either a loop road providing access to the five lots #'s 7 – 11, or joint driveways limiting the access points onto Hadley Mill Rd. Mr. Howard stated that, in his opinion, a loop road was not feasible given the presence of the perennial stream. The Planning Board recommended that the plan be revised to provide joint access to Lots 7 – 11.

Mr. Howard submitted a revised subdivision plan on June 3rd showing two joint driveways to serve lots 7 & 8 and lots 9 & 10; eliminating two of the access points onto Hadley Mill Road in order to meet the Planning Board's recommendation. A copy of the revised plan was included with this packet and is posted to the Planning Division's website.

The plat displays the required information. The Planning Division and Planning Board (by vote of 5-4) recommend granting approval of the First Plat for Shambley Meadow, Phase IV with the following conditions:

1. The Construction Plan and Final Plat shall be reviewed and approved by staff.
2. Joint access be provided to serve the five (5) lots (#'s 7 – 11) fronting on Hadley Mill Road.

Jim Elza, Planning Board Chairman, stated that the Planning Board was concerned that the five lot driveways into the curve is not a good safe situation so they added a condition that joint access be considered by the developer.

Commissioner Lucier asked if the people who voted for the request thought that it was consistent with the County's ordinances and should be approved. Mr. Elza responded, yes, that their main concern was with regard to the added condition and the change to the driveway reconfiguration.

Farrel Moose, 1000 Jay Shambley Road, Pittsboro, NC, stated that he and his wife are not anti-development but they are for smart development; that they are concerned about selling Chatham short; that once land gets locked by dense development, it can only go in one direction; that the developer owns another 120 acres; that doing this in 25 acre increments does not show the overall impact; that it is a poor site for these small plots; that all the driveways are on a blind curve; that there are twice as many lots for sale that keep the rural character; that the situation is bad for this development; that the area is becoming more consistent with an urban area; that it is dangerous place for there to be 120 acres of homes on 1.4 acres; and that it is a slippery slope.

Harold Howard stated that he has been here in Chatham County since 1987 and has developed five or six subdivisions in Chatham County; that Shambley Meadows is 23 lots; that they do not sell the lots, only build on them; that he owns only 25 acres and that is all he owns in Chatham County as H & A Properties except for four lots left in Shambley Meadows; that he does not own 120 acres; that there are six children in the school system out of 19 houses; and that the road is not a problem.

Commissioner Lucier asked about the permitted drainage easement and if it had to be left undisturbed.

Mr. Sullivan stated that we do not count drainage easement area against the usable lot area per the subdivision regulations. A discussion ensued.

Commissioner Lucier asked if the person who owns a lot of land, Troy Howard, is related to Harold Howard. Mr. Harold Howard responded that the property is owned by Troy M. Howard Enterprises, LLC and that he is the manager; that he is a partner in the LLC, but he doesn't know what the LLC is going to do with it, that H & A Properties owns 25 acres. He explained that his business LLC was set up in his father's name in 1994 when they lived in Wake County; that it happened to be set up in an LLC because they traded for the

property; and that he is the manger for the LLC as his father is now deceased, but the property remains in the family with his sister, two sisters-in-law, and himself.

Chair Kost stated that the Board's issue is that they have to make decisions based on the ordinances; that at this point, it looks as though he has met all the requirements; and that it meets the requirements of the Watershed Protection Ordinance for lot sizes. She asked that if the Board approved the request, if the additional condition would include (1) the road name "Meadowlark Circle"; (2) a note be added to the plat that the driveways on lots #1 and #6 would be located on Meadowlark Circle with no access allowed off Hadley Mill Road; and (3) no portion of the stormwater easement is to be shown within the 100' riparian buffer.

Billie Shambley, 585 Hadley Mill Road, Pittsboro, NC, stated that she lives across from Lot 11; that she cannot let her dogs run loose because of the traffic; that she can't turn them out until 8:30 PM; that since the road has been paved, people use it as a cut-through, short-cut road; and that their quality of life has suffered.

Commissioner Cross moved to grant approval of the First Plat for Shambley Meadows, Phase IV with the added conditions as outlined by Chair Kost.

The motion died for lack of a second.

By consensus, the Board decided to defer this item until the July 19, 2010 Board of Commissioners' meeting.

Final Plat Approval of "Briar Chapel, Phase 5, South, Section 2": Approval of a request by Bill Mumford, Project Manager on behalf of NNP Briar Chapel, LLC for final plat approval of "Briar Chapel, Phase 5, South, Section 2, consisting of 32 lots on 6.72 acres, located off Andrews Store Road, SR #1528 and Parker Herndon Road, SR #1526, Baldwin Township

Jason Sullivan, Planning Director, explained the specifics of the request as follows:

This request is a portion of the Briar Chapel Compact Community, consisting of 2,389 dwelling units on 1,589 acres, located off Highway #15-501 North and Mann's Chapel Road (SR #1532), approved by the Chatham County Board of Commissioners on February 15, 2005. A copy of "*An Ordinance Amending the Zoning Ordinance of Chatham County*" and "*A Resolution Approving An Application For A Conditional Use Permit For A Request By Mitch Barron On Behalf Of Newland Communities for Briar Chapel Planned Residential Development*" may be viewed on the Chatham County website at www.chathamnc.org/planning, then click on Rezoning & Subdivision Cases, Miscellaneous Prior to 2005, Briar Chapel. A copy of the Compact Community Ordinance can also be found on the Planning Division web page.

Phase 5, South, Section 2, consisting of 32 lots on 6.71 acres received preliminary plat approval from the Board of County Commissioners on March 15, 2010.

The developer is requesting final plat approval of 32 lots to be accessed by Serenity Hill Circle off Briar Chapel Parkway. The Subdivision Regulations in effect prior to December 2008 apply to this project because the conditional use permit was approved prior to the amendments to the regulations. Serenity Hill Circle is a proposed state maintained roadway. A financial guarantee has been put in place previously on a portion of Serenity Hill Circle when Phase 5 South, Section 1 received final plat approval. Section 3.1 B. (1) of the Subdivision Regulations states that, "When either forty (40) percent of the total cost of improvements has been completed or when a statement of record for the subdivision has been filed in accordance with the Federal Interstate Land Sales Full Disclosure Act, and when the public health and/or safety will not be endangered, the County may waive the requirement that the applicant complete all required improvements prior to the signing of the subdivision plat, and that, as an alternative, the applicant post an adequate security at the time of application for final subdivision approval." See Section 3.1 B (1) for the entire language. County water is available for fire protection. A financial guarantee for the construction of the balance of Serenity Hill Circle to NCDOT standards along with clearing/grubbing, grading, retaining wall construction, erosion control, paving, curb/gutter, storm drainage, sanitary

sewer, water distribution, striping, signage, sidewalk, seeding and final clean-up has been submitted for review. Per the engineer, Gregory P. Sallee, PE, 53.40% of the required work has been completed. The cost estimate letter dated April 27, 2010 states that the amount of incomplete work is \$299,601.91 and the amount of the bond required will be \$419,442.68 (includes 40% increase as required by the Subdivision Regulations). The Phase 2 roadway is currently a hard compacted surface, but is not graveled at this time. Staff recommends that the plat not be recorded until the engineer certifies that the roadway surface is sufficient to support emergency vehicle traffic. The county attorney will review and approve the form and amount of the financial guarantee prior to final plat recording.

The number of lots in Phase 5 South, Section 2 does not match the Master Plan/sketch plan for Briar Chapel approved in 2005. The Master Plan/sketch plan included 29 lots in Phase 5 South, Section 2. The preliminary and final plats include 32 lots for an increase of 3 lots in Section 2. Jason Sullivan, Planning Director, addressed the Board of County Commissions on February 1, 2010 concerning the increase of lots shown on preliminary and final plat versus what was shown on the Master Plan. Mr. Sullivan pointed out that Condition 18 and 19 of the Conditional Use Permit allows for the Board to approve modifications to the master plan/sketch plan as part of the subdivision review process, as long as the modification is substantially in compliance with the conditional use permit. The final plat is in substantial compliance with the Master Plan/Sketch design plan, in road design and lot layout and is an interior section. The increase in lots will not increase the overall approved lot number of 2,389.

There are no affordable housing lots in this section. An affordable housing payment of \$14,734.08 (\$460.44 x 32) will be made to Chatham County prior to recordation of the final plat. A note has been placed on the plat stating that no affordable housing lots are located in Phase 5, South, Section 2.

Lots will be served by the Briar Chapel Wastewater Treatment Plant. Due to the small average daily flow to the plant generated by the current number of approved lots, the re-use ponds are currently being utilized versus the spray areas in order for all the storage ponds to have enough capacity to provide for landscaping irrigation over a dry summer. It is the intent to begin spraying later this fall or next spring. Per Lee Bowman, "all of the certified spray areas have been platted as common space with easements to provide for the spray operation." Lots are served by county water. Completion of the Section 2 water system is covered under the financial guarantee amount.

Lee Bowman has submitted a statement to staff stating that there are no cemeteries or old structures in or near Phase 5 South, Section 2.

Several of the lots in this section have a retaining wall at the back of the lot as shown on the preliminary and final plats. On the preliminary plat, Lot 569 (shown as Lot 409 on the final plat) showed a retaining wall to be located out of the 10 foot wide no-build area along the edge of the 50 foot water hazard buffer. In discussion with the engineer, the retaining wall on Lot 409 has been constructed and a small portion of the retaining wall is located within the 10 foot no-build area. Per the Compact Community Ordinance, page 9, Section 9.1: Riparian Buffers, "Buildings and other features that require grading and construction shall be set back at least ten (10) feet from the edge of the buffer". Staff has instructed the developer that any portion of a retaining wall constructed within the 10 foot no-build area must be removed and verification provided by the engineer prior to final plat recordation. Maintenance easements for the retaining walls may be within the no-build area, but may not be within the water hazard area. Prior to the Planning Board meeting, Nick Robinson, attorney for the applicant, requested that condition # 3 include language that may allow the applicant to request a waiver per Section 15 of the Compact Communities Ordinance. After the Planning Board meeting Mr. Robinson stated that Briar Chapel expects to have information regarding the retaining walls placements prior to the June 21 Board of Commissioner meeting. Revised copies of the final plat may be submitted at the June 21st meeting, if necessary, based on additional surveying.

The plat displays the necessary information and meets the requirements of the Subdivision Regulations with other agency approvals.

Mr. Sullivan answered questions from the Board.

As per the Planning Department and Planning Board recommendation (by a vote of 8-1), Commissioner Vanderbeck moved, seconded by Commissioner Thompson, approval of Briar Chapel Phase 5 South, Section 2, with the following three (3) conditions:

1. The plat not be recorded until the County Attorney has reviewed and approved the form and amount of the financial guarantee.
2. The plat not be recorded until an engineer certifies that the roadway surface is sufficient to support emergency vehicle traffic.
3. The plat not be recorded until an engineer/surveyor certifies that the retaining walls are outside of the 10 foot no-build area adjacent to the water hazard/riparian buffer areas or the Board of Commissioners grants an adjustment, modification, reduction or waiver request consistent with the terms of the Compact Communities Ordinance.

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

Recombination and Re-Subdivision Plat Request for “Briar Chapel, Phase 4, Sections 1, 2, and 3”: Approval of a request by Bill Mumford, Project Manager on behalf of NNP Briar Chapel, LLC for “Briar Chapel, Phase 4, Sections 1, 2, and 3, Recombination and Re-Subdivision Plat” to add fifteen (15) additional lots and to revise existing lot lines, on a total of 8.51 acres, located off US Highway #15-501 North, Baldwin Township

Jason Sullivan, Planning Director, explained the specifics of the request as follows:

This request is a portion of the Briar Chapel Compact Community, consisting of 2,389 dwelling units on 1,589 acres, located off Hwy 15-501 N and Mann’s Chapel Road (SR #1532), approved by the Chatham County Board of Commissioners on February 15, 2005. A copy of “*An Ordinance Amending the Zoning Ordinance of Chatham County*” and “*A Resolution Approving An Application For A Conditional Use Permit For A Request By Mitch Barron On Behalf Of Newland Communities for Briar Chapel Planned Residential Development*” may be viewed on the Chatham County website at www.chathamnc.org/planning, then click on Rezoning & Subdivision Cases, Miscellaneous Prior to 2005, Briar Chapel. A copy of the Compact Community Ordinance can also be found on the Planning Department web page.

This request involves final plats recorded as follows:

- Phase 3 & 4, Section 1, consisting of 66 lots, approved May 21, 2007
- Phase 4, Section 2, consisting of 120 lots, approved October 15, 2007
- Phase 4, Section 3, consisting of 188 lots, approved November 19, 2007

The request before the Board is to add fifteen (15) lots to previously recorded plats in Phase 4, Sections 1, 2, and 3 and to revise other existing lot lines. The total number of lots approved for Briar Chapel is 2,389. The replats will not add additional lots to the development and the design is still consistent with the Briar Chapel Master Plan/ Sketch Plan. On February 1, 2010, Jason Sullivan, Acting Planning Director, addressed the Board of County Commissioners regarding modifications to the Briar Chapel Master Plan/Sketch plan including re-plats of existing sections. It was the consensus of the Board that “the things that are inviolate are the 2,389 lots and the stream buffer requirements; that when internal changes occur, that it is less of an issue than if they occur at the boundaries where people who about those properties may have had some concerns.....”. Attachment #2 shows the lot configuration of existing lots and proposed lot configurations in the three sections.

All required agency permits for the construction of infrastructure for the above listed phases were received at the preliminary plat review stage. Those permits included NCDOT, Chatham County Erosion Control, Chatham County Public Works, NC Department of

Environment and Natural Resources, and US Army Corps of Engineers. Attachment #3, Summary of Permit Impact, prepared by Jonathan S. Butters, P. E., The John R. McAdams, Co., shows that each respective agency has indicated their acceptance of the proposed changes and that no permit revision is required, or a permit modification has been submitted and approved. The application materials posted on the Planning Department website include the correspondence from the respective agencies. The road design and layouts previously approved will not change. Financial guarantees are currently in place to cover the construction of the necessary infrastructure. Prior to final plat recordation, the required Water Availability Fees for the 15 lots will be paid to Chatham County Public Works Department.

Attachment #4, Memorandum of Conditional Use Permit Stipulations, is an update of how the addition of the 15 lots will comply with the CUP conditions. One (1) Affordable Housing Unit (AFU) is being added by the replats along Hill Creek Boulevard bringing the total number of Affordable Housing Units to 13 within the project to date. Condition #20 of the CUP requires that the developer contribute 2.5% of the approved lots in the overall development or phase as applicable, as Affordable Housing Units. With the addition of one AFU, the percentage will be 2.97% exceeding the 2.5% required. Affordable housing fees of \$6,906.60 (\$460.44 x 15 lots) will be paid to Chatham County prior to final plat recordation.

Plat page 4 of 5 shows existing Townhouse Lot #'s 174 and 175 being increased in size. Per Lee Bowman, Project Manager, the adjustment of lot lines to incorporate the 6,594 square feet of open space into the adjacent lots will provide for better use of rear yards for the two townhouse lots. Mr. Bowman has stated in an e-mail to staff that "the community's CCRs allow the Declarant (NNP-Briar Chapel, LLC) to make these types of modifications with regard to open space. The rear yard is atop a large landscaped embankment. Due to the topography, the only feasible way to provide public access to this rear area is from the alley which is not easily available. Thus, by incorporating this property into the corner lots, the space can be beneficially used. If left, as is currently platted, it is Newland's intention to simply landscape this area for "non-active" use. We believe the lot line adjustments provide for a better use of land." Staff thinks this is a reasonable request.

There are no historical sites or structures affected by this replat per Mr. Bowman. Staff thinks the request is reasonable.

Chair Kost asked if there was a count as to how many lots there have been through the various phases.

Bill Mumford stated that the initial Phase 4 was 364, then 60 lots were added in Phase 5 South, and 17 lots are being added at this time.

As per the Planning Department and Planning Board recommendation (by a vote of 8-1), Commissioner Lucier moved, seconded by Commissioner Vanderbeck, to grant approval of "Briar Chapel, Phase 4, Sections 1, 2, and 3, Recombination and Re-Subdivision Plat" as submitted. The motion carried five (5) to zero (0).

Final Plat Approval of "Cedar Mountain – Phase Two": Approval of a request by Lewis Metty Development Company, LLC for subdivision final plat approval of "Cedar Mountain – Phase Two", consisting of 6 lots on 12.017 acres, located off SR #1540, Jones Ferry Road and Cedar Grove Road, Baldwin Township

Jason Sullivan, Planning Director, explained the specifics of the request as follows:

Cedar Mountain Subdivision received preliminary plat approval for 65 lots on July 16, 2007 with the following condition: *Prior to recordation of the final plat, the developer shall install all of the supply lines for the off-site sewage treatment systems at one time, use only gravel less systems, have one contractor complete all of the work, and install the supply lines at least 30 inches deep.*

On October 20, 2008, the developer requested and received a one (1) year extension of preliminary plat from the Board of County Commissioners extending preliminary plat expiration from January 16, 2009 to January 16, 2010. Senate Bill 831, Permit Extension

Act of 2009, extends the Cedar Mountain deadline for final plat submittal to January 16, 2013.

Cedar Mountain, Phase One, consisting of 18 lots received final plat approval on November 19, 2007.

The lots are accessed by a public roadway, Cedar Grove Road. Cedar Grove Road serves as access to Cedar Grove Subdivision and has been extended to serve Cedar Mountain Subdivision. Staff has received 'Built-to-Standards' letters from NCDOT on the various sections of Cedar Grove Road stating that the roadway from the intersection of Jones Ferry Road to the point indicated on the Cedar Mountain, Phase Two map have been built to the NCDOT standards. Lewis-Metty Development Company, LLC will be responsible for the maintenance of the roadway until such time that it has been accepted for maintenance by NCDOT. There are four financial guarantees currently being held for completion of erosion control measures for the previous approved sections. The request is to be reviewed under the Subdivision Regulations in effect prior to 2008.

The developer is requesting final plat approval of "Cedar Mountain, Phase Two" consisting of 6 lots. The lots will be accessed by the existing Cedar Grove Road. The road will be extended 30 feet to provide access to Lot 59. A financial guarantee in the amount of \$7,280.00 will be submitted for the public roadway extension and erosion control measures. Lots will have individual wells. As the map shows, each of the six (6) lots will have an off-site septic area that will be owned by the lot owner. The off-site septic areas will be accessed by a 30 foot wide utility easement from the subdivision lot to the off-site areas and then narrows to 12 feet as shown on the map. Thomas Boyce, Environmental Health Specialist and Soil Scientist has verified that the widths of the utility easement are sufficient. As required by preliminary plat approval, the supply lines will be installed to a depth of at least 30 inches, installation will be by one contractor, prior to the final plat being recorded. The same contractor will be used at the time the individual systems (gravel less) are installed on each lot. Staff has received the septic improvement permits for each lot.

The original erosion control plan approved on May 31, 2007, did not include the utility easement for the off-site septic areas. On April 9, 2010, prior to final plat submittal of Phase Two, Jim Willis, Soil Erosion & Sedimentation Control Officer, reviewed and approved a revised erosion control plan to include a 15 foot wide utility easement. After the Planning Board meeting, the developer decided to increase the width of the utility easement from 15 feet to 30 feet to provide flexibility when installing the utility lines because of large rocks and rock outcroppings. The easement width has now been increased to 30 feet wide as shown on the revised map. Rachael Thorn, Chatham County Erosion Control Inspector has reviewed and approved a revised erosion control plan showing the 30 foot wide utility easement.

Bev Wiggins, Chatham County Historical Association, requested that the developer submit a statement regarding whether or not any features that may have historical significance had been observed on the property. Mr. Lewis stated that there is an old chimney located on proposed Lot 59 that may have some significance. Ms. Wiggins was notified and a site visit was made to review the chimney for its historical significance. She estimates that the chimney is approximately 100 years old but does not recommend that the chimney be preserved or the materials salvaged. The chimney will be shown on the recordable copy of the final plat. A copy of the original plat along with a revised plat is posted to the Planning Department webpage.

There are no intermittent or perennial streams on this portion of the property. The plat displays the necessary information.

The Planning Board discussed the request and had some questions regarding the off-site septic areas.

Chair Kost asked how one was able to get in for maintenance as there was no connecting road.

Kirk Metty stated that there will be a public roadway there where the easement is shown; that with regard to the lots shown on the northern end of the property, there is another

easement that is shown on the preliminary plat off the future road which is the public easement that can be used for access.

Chair Kost asked if there was a road there. Mr. Metty stated that that was all the easement was for was to get a piece of equipment back there, if needed.

Commissioner Cross asked about the 30" depth for the septic supply line.

Mr. Sullivan explained that it originated with Environmental Health and was also discussed at the preliminary plat stage by the Planning Department.

As per the Planning Department and Planning Board recommendation (by a vote of 7-0-1), Commissioner Lucier moved, seconded by Commissioner Vanderbeck, to grant final plat approval of "Cedar Mountain, Phase Two" with the following conditions:

1. The plat shall not be recorded until the County Attorney has approved the form of the financial guarantee.
2. The septic supply lines shall be installed for all six (6) lots by one contractor, a minimum of 30 inches deep, and inspected by Chatham County Environmental Health prior to recordation of the final plat.

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

Revision to Existing Conditional Use Permit on Mt. Carmel Church Road:
Approval of a request by Lauren Fitts dba Carolina Waterscapes for a revision to an existing conditional use permit for a landscape design, food and beverage retail, and general retail business, located at 781 Mt. Carmel Church Road, Parcel #19430, Williams Township, to include personal service shop specifically for exercise instruction, massage and physical therapy, acupuncture, and bodywork for physical health

Jason Sullivan, Planning Director, explained the specifics of the request as follows:

A public hearing was held on this request on March 15, 2010 and continued to April 19, 2010 in order to ask questions of the applicant who was not present for the first public hearing. This property was granted a Conditional Use B-1 Business Rezoning with a Conditional Use Permit for a landscape design business and a lawn and garden shop on December 9, 2002. On April 7, 2003, the Commissioners approved a revision to the conditional use permit to add food stores, retail, specifically for retail sales of specialty coffee and baked goods. The business has continued without ceasing operation since these approvals.

There was no one who spoke in opposition of this request. There were questions asked by the Commissioners for clarification which have been addressed in the discussion and analysis section.

A recommendation of this request is based on the five findings as set out in the ordinance. They are listed as follows:

- Finding #1-The use requested is among those listed as an eligible conditional use in the district in which the subject property is located or is to be located.
- Finding #2-The requested conditional use permit is either essential or desirable for the public convenience or welfare.
- Finding #3-The requested permit will not impair the integrity or character of the surrounding or adjoining districts, and will not be detrimental to the health, safety, or welfare of the community.
- Finding #4-The requested permit will be consistent with the objectives of the Land Conservation and Development Plan.
- Finding #5-Adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided.

It is the opinion of staff that finding #1 has been met. The uses currently being conducted on the property, as well as those being sought in this application, are permitted in the B-1, Business, district and this property is currently zoned as Conditional Use B-1. The original approval was granted in December 2002 and has continued to operate since.

It is the opinion of staff that finding #2 has been met. The uses currently approved for this project have continued since the original approval in 2002. The landowners have conducted research into programs that offer many benefits to healthy living. There are other studios located outside of Chatham County in Carrboro and Chapel Hill, but the landowners would like to keep business in Chatham County. There are no additional public improvements needed or required to add these requested uses and the operators believe offering these additional classes would increase the tax revenues within Chatham County because participants would not be going outside the county. There is to be a full-time employee as well as several independent contractors associated with serving the business.

It is the opinion of staff that finding #3 has been met. The landowners/operators have no plans to change the current state of the property. There is a brick home that was converted into the original business and nothing is to change with the structure. Other than changing the wording, the current sign will continue to be utilized and no other signs erected. Per the landowners/operators there will be not be an impact on the current traffic flow to and from the site. There are no noise impacts resulting from the activities or uses on this property.

It is the opinion of staff that finding #4 has been met. The Land Conservation and Development plan is a policy document to guide development in the county. The plan encourages the continuation of existing business and industry within many areas of the county. One of the six elements used to define locations for economic growth is to encourage shops and offices in Neighborhood Activity Centers. There are currently several businesses in the area where this property is located that include Village Custom Homes (previously David Daniel Construction), the Nature Trail MHP, and the commercial areas of Governors Village. The property is located within the WSIV-PA Watershed area where up to 36% impervious surface is allowed per parcel. Approximately 10% is currently being used.

It is the opinion that finding #5 has been met. The property is currently connected to the county water system and also has a single well. Per the landowner/operator, the water usage does not exceed average residential amounts. A current on-site septic system is being utilized and will continue to do so. However, there will be a condition placed that will require a review by the Chatham County Environmental Health Division to ensure the system will handle the amount of students that may be using the site. All other improvements will continue to be met and maintained as permitted and approved.

As per the Planning Department and Planning Board recommendation (by a unanimous vote), Commissioner Lucier moved, seconded by Commissioner Thompson, to adopt **Resolution #2010-36 Approving an Application for a Conditional Use Permit Revision Request by Lauren Fitts dba Carolina Waterscapes**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

COMMISSIONER PRIORITIES

Lease Purchase Agreement with Apple Computers:

Ms. Paschal explained that the total cost of the Apple Computers lease is \$1,999,153.04 which equates to \$666,384.35 per year subtracting the iPads.

Commissioner Lucier stated that the first figure was \$638,000 per year subtracting out the iPads and asked why the increase.

Jeff Lloyd stated that they scrubbed everything with staff and pulled out the iPads and cases and readjusted some of the other items.

Commissioner Lucier questioned the \$28,000.00 difference. Mr. Lloyd stated that the infrastructure pieces had to be tightened up and that he does not have all the figures. He stated that there was no adjustment for the iPads.

Susan Little stated that they would be glad to provide the administrative staff; that they don't have a revised quote; that they pulled the numbers off of the existing quote that the Board has; that they will be glad to revise it and provide the Board with an itemized list so that the amount will total; that they are confident that what they provided Ms. Paschal will suffice for the total cost of it; and that the final quote has to come from Apple Computers.

Commissioner Lucier moved, seconded by Commissioner Vanderbeck, to adopt **Resolution#2010-37 Approving the Lease Purchase Agreement with Apple Computers**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Text Amendments to Chatham County Zoning Ordinance (Signs): Continuation of discussion of text amendments to Chatham County Zoning Ordinance regarding signs

Jason Sullivan, Planning Director, explained the specifics of the request as follows:

The Board of Commissioners directed staff to review the sign regulations in the Zoning Ordinance and propose amendments to address (1) special event signage and (2) non-conforming signs. These amendments were approved at the April 19, 2010 Board of Commissioners meeting.

Planning Staff had also proposed amendments to the Zoning Ordinance to provide additional definitions of signs in the Definitions section and revise portions of Section 15 dealing with signs.

A public hearing was held on these proposed ordinance text amendments on January 19, 2010. At the public hearing, four citizens spoke in favor of the proposed text amendments.

The Planning Board discussed the changes at their February 19, 2010 meeting. The recommendations of the Planning Board are shown in each section.

At the Board of Commissioners meeting on April 19, 2010, the Board approved the amendments to the Zoning and Off-Premise Sign Ordinances regarding non-conforming signs and temporary signs. After discussion, the Board asked staff to come back with the other amendments to Sections 7 and 15 of the Zoning Ordinance that staff had proposed.

The proposed amendments to Section 7 of the Zoning Ordinance all are related to signs. They are listed below:

Accessory Use Sign - Any sign which is located on the same premises with a principal permitted use and which are clearly incidental, secondary and/or supportive of the principal use.

Section 7 - Definitions

The proposed amendments to Section 7 of the Zoning Ordinance all are related to signs.

They are listed below:

Awning: A structure made of cloth, metal, or other material affixed to a building in such a manner that it shades windows or doors below, but is not a constructed canopy.

Banner Sign - A sign of lightweight fabric or similar material which is attached to a pole or a building, structure and/or vehicle by any means. National, state or municipal flags shall not be considered banner signs.

Canopy - A permanent structure, not enclosed and not retractable, attached or unattached to a building, for the purpose of providing shelter to patrons or automobiles, or as a decorative feature on a building wall.

Freestanding Sign - A non-movable sign which is entirely supported by one or more uprights, poles, braces, or base in or upon the ground.

Informational Sign – Any sign which contains no commercial or advertising message that is located on-site providing information as required by regulatory authorities and/or other entity. These include, but are not limited to, “No Parking,” “Loading/Unloading Zone,” “Keep off Grass” and “No Smoking.”

Off-Premise Sign – Any sign that indicates direction to, advertises or otherwise identifies any property, structure or use not located on the same parcel as such property, structure or use.

On-Site Directional Sign - A sign incidental to the use of the lot on which it is located that provides necessary information to guide traffic, whether vehicular or otherwise, within the site. Any one directional sign shall be no larger than five (5) square feet.

Pennant Sign - A sign made of lightweight plastic, fabric or other material, whether or not containing a message, suspended from a rope, wire or string, usually in series, designed to move in the wind.

Portable Sign - Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported

Sign - Any object, device, display or structure, or part thereof, which is used to advertise, identify, display, direct or attract attention to any object, person, institution, organization, business, product, service, event or location by any means, including but not limited to words, letters, pennants, banners, emblems, trademarks, trade names, insignias, numerals, figures, designs, symbols, fixtures, colors, illumination or projected images or any other attention directing device.

The Planning Board (by a vote of 9-0), at their meeting on February 2, 2010 recommended to approve the proposed amendments to Section 7 of the Zoning Ordinance.

In an email dated February 3, 2010, the County Attorney recommended the following changes to the proposed Amendments to Section 7 of the Zoning Ordinance:

- Informational Sign definition should read “Any sign which contains no commercial or advertising message that is located on-site providing information as required by regulatory authorities and/or other public entity.
- Off-Premise Sign definition should read “Any sign that indicates direction to, advertises or otherwise identifies any property, structure or use not located on the same parcel as sign.”

Section 15 – Regulations Governing Signs

The proposed amendments to Section 15 were discussed by the Planning Board at their February meeting, and were discussed by the Board of Commissioners at the March 1st meeting. The proposed amendments are as follows:

Introductory paragraph: The regulations governing the use of signs are set forth in this section. All signs shall be erected, altered, and maintained in accordance with the following provisions and only those signs as specified and as regulated shall be erected within the jurisdiction. Signs shall adhere to the Chatham County Design Guidelines as stated in Section 12 for items not directly addressed in this ordinance unless such adherence is unsafe due to site conditions or other extenuating circumstance. Any sign or type of sign not expressly mentioned in this section shall be prohibited.

1. Definitions See Definitions, Section 7.

15.1. Nonconforming Signs

See Section 9 for provisions for non-conforming signs.

15.2. Lighting of Signs

For lighting of signs, refer to Section 13 of the Chatham County Zoning Ordinance.

15.3. Prohibited Signs

7. Signs affixed to trees, telephone poles, light poles, State-owned sign posts or public road right-of-way control fencing, except when used to post property or other such public purposes.
10. Signs, banners, streamers, or pennants tied or consecutively strung together, but not including temporary holiday decorations.

15.4. Signs Permitted in Any Zoning District

The following signs are permitted in any zoning district:

5. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

~~"For Sale" or "For Rent"~~ On-premise signs pertaining to realty, such as for sale, rent or lease, not exceeding four square feet in area and not illuminated. Signs up to 32 square feet are permitted for properties ten (10) acres in size or larger. There shall be a limit of one such sign for each street abutting the lot.

6. Church, community or public building bulletin boards and identification sign, lighted or unlighted shall not exceed 32 square feet in area. There shall be a limit of one such sign for each street abutting the lot.
7. Signs advertising agricultural products, produced on the premises, not exceeding 32 square feet in area. There shall be a limit of one such sign for each street abutting the lot.
8. Signs identifying, by name only, residential subdivision, planned housing development, recreational facility, permitted campgrounds or mobile home parks and not exceeding 32 square feet in area. There shall be a limit of one double-faced sign or two single-faced signs for each road or driveway entrance to the development named on the sign.
9. Signs of any political party or announcing the candidacy of any individual for any nomination or office; provided that in any residential district, no such sign shall exceed 32 square feet in area and in any district other than a residential district no sign shall exceed in area the maximum area of sign display permitted on any lot in that district; provided further, that all such signs, shall be removed not later than 10 working days after the date of the election to which they pertain.
10. Signs not exceeding 32 square feet in area, warning the public against hunting, fishing, or trespassing on the land on which the same are displayed.
11. Temporary signs may be allowed pursuant to the Temporary Signs Section (Section [15.10](#)).

15.5. Signs Permitted in the O&I, Office and Institutional Districts

A. Sign Area

Within the O&I District, each lot or parcel may have a maximum of 1 1/2 square feet of sign area for each linear foot of frontage on a private- or public- maintained street. Double frontage or corner lots or parcels shall be permitted an additional sign area computed at 1/2 the rate as above for the additional street frontage. Such additional sign area need not be proportionally directed toward such streets.

B. Freestanding Signs

Not more than 1/2 the total sign area for any one lot may be in the form of freestanding signs. No part of any freestanding signs shall exceed a height of 10 feet above the ground at its base.

D. Sign Size

No one sign shall exceed a size of 50 square feet.

15.7. Signs Permitted in the B-1, NB, CB, and RB Districts

A. Sign Area

Within the B-1, NB, CB, and RB Districts, each lot or parcel may have a maximum of two square feet of sign area for each lineal foot of frontage on a private- or public-maintained street or highway. Double frontage or corner lots or parcels shall be permitted an additional sign area computed at 1/2 the rate as above for the additional street frontage. Such additional sign area need not be proportionally directed toward such streets.

15.8. Signs Permitted in the IL, Light Industrial District

A. Sign Area

Within the Light Industrial District, each lot or parcel may have a maximum of two square feet of sign area for each linear foot of frontage on a private- or public- maintained street or highway. Double frontage or corner lots or parcels shall be permitted an additional sign area computed at 1/2 the rate as above for the additional street frontage. Such additional sign area need not be proportionally directed toward such streets.

15.9. Signs Permitted in the IH, Heavy Industrial District

A. Sign Area

Within the Heavy Industrial District, each lot or parcel may have a maximum of two square feet of sign area for each lineal foot of frontage on a private- or public- maintained street or highway. Double frontage or corner lots or parcels shall be permitted an additional sign area computed at 1/2 the rate as above for the additional street frontage. Such additional sign area need not be proportionally directed toward such streets.

The Planning Board (by a vote of 9-0), at their meeting on February 2, 2010 recommended to approve the proposed amendments to Section 15 of the Zoning Ordinance, with one recommended change:

- *Section 15.5(9) – Change “10 working days” to “14 working days” for removal of political signs*

Planning staff recommends adoption of an Ordinance Amending the Zoning Ordinance to include the proposed text amendments to Sections 7 and 15 of the Zoning Ordinance with the changes to Section 7 of Zoning Ordinance as recommended by the County Attorney. Planning Staff will research what other jurisdictions require for Political Signs and Internally-Illuminated Signs, and bring proposed language back to the Board of Commissioners at a later date.

Mr. Sullivan answered questions from the Board.

As per the Planning Department, Commissioner Lucier moved, seconded by Commissioner Vanderbeck, to adopt **An Ordinance Amending the Zoning Ordinance to include the proposed text amendments to Sections 7 and 15 of the Zoning Ordinance with the changes to Section 7 of Zoning Ordinance**, as recommended by the County Attorney. The motion carried five (5) to zero (0).

COMMISSIONERS' PRIORITIES

Adoption of FY 2010-2011 Budget Ordinance: Approval of FY 2010-2011 Budget Ordinance

Ms. Paschal stated that the budget reflects the following changes made by the Board of Commissioners and additional changes made to meet changing circumstances.

Overall, Commissioners reduced the general fund budget by \$156,965 and reduced the proposed tax rate by 0.53 cents. Therefore, the tax rate increase reflected in the budget ordinance, 62.19 cents is a 1.97 cent increase from the FY 2009-2010 tax rate of 60.22 cents. Commissioners voted not to increase the occupancy tax rate from 3% to 6%. Commissioners increased sewer rates as shown in the budget ordinance, generating an additional \$2,631 in revenue. This amount was offset by decreasing fund balance in the utility fund. Commissioners also reduced the facility reserve special revenue fund by \$200,000 by reducing the transfer from the general fund for parks construction.

Commissioner Thompson moved, seconded by Commissioner Vanderbeck, to adopt the FY 2010-2011 Budget Ordinance as presented.

Chair Kost praised the efforts of staff in the preparation of the budget stating that she felt it was a very good budget; that she was pleased they were able to decrease the tax rate by 0.53 cents; that she wishes they could have done more; and that she is proud of the work that the Commissioners did.

Chair Kost called the question. The motion carried five (5) to zero (0). The Budget Ordinance is attached hereto and by reference made a part hereof.

MANAGER' S REPORTS

Resolution Supporting Safety Improvements for SR #1916 (Corinth Road):

The County Manager explained the specifics of the resolution from the North Carolina Department of Transportation stating that Uniboard USA, LLC has expanded its manufacturing facility off State Highway #1916; that expansion of the facility will generate in excess of two hundred tractor trailer truck trips per day; that NCDOT is attempting to secure contingency funding in the amount of \$360,000 for safety improvements to mitigate the expected traffic; and that NCDOT has requested a resolution in support of these improvements by the Chatham County Board of Commissioners.

Commissioner Vanderbeck moved, seconded by Commissioner Thompson, to adopt the **Resolution #2010-38 of the Chatham County Board of Commissioners Supporting Safety Improvements for SR #1916 (Corinth Road)**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Chair Kost thanked Commissioner Vanderbeck and Dianne Reid for their efforts in helping to secure the funding.

Request to Change Grant Application:

The County Manager explained that they had received a request to change a grant application to secure funding. On June 7, 2010, the Board approved a request to apply for a grant from the Bureau of Justice Association (BJA) to be used for the purchase of 27 tasers for the Sheriff's Office. The Sheriff's Office has reviewed it and has requested, instead of tasers, that they be allowed to purchase 13 rifles.

Commissioner Thompson moved, seconded by Commissioner Lucier, to amend the grant request changing the request from tasers to 13 rifles. The motion carried five (5) to zero (0).

COMMISSIONERS' REPORTS

Election Day in Goldston:

Commissioner Lucier reminded everyone of the Goldston Sewer Bond Referendum in Goldston on June 22, 2010.

Rural Planning Organization:

Commissioner Vanderbeck stated that on Thursday, the Rural Planning Organization (RPO) passed a resolution endorsing the commissioners' request to extend the public comment period on the Highway #64 Phase II Study until September 10, 2010.

Pittsboro-Siler City Convention & Visitors Bureau:

Commissioner Vanderbeck stated that the Pittsboro-Siler City Convention & Visitors Bureau (CVB), which promotes tourism County-wide, has won two awards for its efforts to market the County as a visitor destination. The Destination Marketing Association of North Carolina (DMANC) presents the awards annually. For 2009, the CVB has received a Gold Award for its monthly electronic newsletter, Tourism ChitCHAT, and an Innovation in Tourism Award for its efforts to promote workforce development in education. The DMANC's Destination Marketing Achievement Awards were created to honor and showcase the best in marketing efforts by convention and visitors bureaus throughout the state. Out-of-state tourism marketing professionals and educators serve as judges for the awards competition. The CVB pays no fees to submit award entries for the competition. He thanked Neha Shah and her team for their efforts.

Chatham County Courthouse Task Force:

Commissioner Thompson stated that the Courthouse Task Force met on June 14th. The event was very well-attended and all who were appointed to the Task Force were in attendance. They were excited and enthusiastic. There was a presentation by Warren Miller on the history of the courthouse followed by a question and answer session. He thanked Staff for responding to his questions and he thinks it is going to be a good group with two good co-chairs.

Chair Kost reminded those present of the public forum for residents interested in the rebuilding of the Historic County Courthouse where they can provide input at an upcoming community forum on Tuesday, June 29, 2010, Northwood High School Cafeteria, 6:30 PM – 8:30 PM. She stated that the forum will be an opportunity for residents to provide broad feedback ideas on what functions the courthouse might include when it is rebuilt. She asked that the meeting be advertised on the County website.

Joint Meeting with Municipalities:

Chair Kost reminded everyone of the meeting on Thursday, June 24th, of the joint meeting with the municipalities, the Board of Commissioners, and the School Board at the Economic Development Commission, 6:00-8:00 PM.

Wastewater Discharge Line:

Chair Kost stated that they had asked the County Manager to work with Cary on holding a community meeting regarding the discharge line through Chatham County for the Western Wake Partners. She stated that she thought it would be good to hold an informal meeting where folks can ask questions and present their concerns after which a public hearing is held.

The County Manager stated that the two best dates, at this point, are July 27th and July 29th.

Commissioner Vanderbeck stated that he is fine with an informal meeting as long as a formal public hearing is held afterwards.

Commissioner Lucier stated that he felt both could be accomplished in one meeting.

Chair Kost stated that she thought that was a good suggestion; that she hoped it would be held somewhere in the Moncure community; that Western Wake Partners should be in attendance to answer questions; and that it should be an official Board of Commissioners' meeting.

CLOSED SESSION

Commissioner Lucier moved, seconded by Commissioner Vanderbeck, to go out of Regular Session and convene in Closed Session for attorney/client privilege. The motion carried five (5) to zero (0).

REGULAR SESSION

Commissioner Lucier moved, seconded by Commissioner Vanderbeck, to adjourn the Closed Session and reconvene in Regular Session. The motion carried five (5) to zero (0).

Commissioner Lucier moved, seconded by Commissioner Thompson, to approve the agreement between Chatham County and Chatham Investors, Inc. The motion carried five (5) to zero (0).

ADJOURNMENT

Commissioner Thompson moved, seconded by Commissioner Lucier, to adjourn the meeting. The motion carried five (5) to zero (0), and the meeting was adjourned at 10:18 PM.

Sally Kost, Chair

ATTEST:

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