

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
MAY 16, 2005

The Board of Commissioners ("the Board") of the County of Chatham, North Carolina, met in the District Courtroom, located in Pittsboro, North Carolina, at 6:00 PM on May 16, 2005.

Present: Chairman Bunkey Morgan; Vice Chair, Tommy Emerson; Commissioners Patrick Barnes, Mike Cross, and Carl Outz, County Manager, Charlie Horne; Assistant County Manager, Renee Dickson; Finance Officer, Vicki McConnell; and Clerk to the Board, Sandra B. Sublett

Absent: Attorney Robert L. Gunn

The Chairman called the meeting to order at 6:03 PM.

PLEDGE OF ALLEGIANCE AND INVOCATION

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

- The Chairman explained that the new audio/recording system was in use and asked that if anyone had problems hearing, to let them know so that adjustments could be made.

- **AGENDA AND CONSENT AGENDA**

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

The Chairman asked that Item #19, consideration of a request to appoint five members to the Board of Health be deferred until a later date.

Commissioner Emerson moved, seconded by Commissioner Outz, to approve the Agenda and Consent Agenda with the noted request. The motion carried five (5) to zero (0).

1. **Minutes:** Consideration of a request to approve Board minutes for regular meeting held May 02, 2005 and Work Session held May 02, 2005

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

2. **Funds Acceptance for TeenWorks Teen Center:** Consideration of a request to accept funds in the amount of \$1,000 awarded to the TeenWorks Teen Center of the Health Department from UNC-Chapel Hill

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

3. **Family Planning Funds Acceptance:** Consideration of a request to accept funds in the amount of \$2,063 in Family Planning Funds awarded to the Health Department from the NC Division of Public Health

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

4. **Chatham County Board of Social Services Appointment:** Consideration of a request to appoint Mrs. Betty Wilson, 268 Log Barn Acres, Pittsboro, NC, to fill the County vacancy, on the Chatham County Board of Social Services

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

5. **Sketch Design Approval of "Copper Ridge":** Consideration of a request by Ricky Spoon Builders, Inc. for subdivision sketch design approval of **"Copper Ridge"** consisting of 39 lots on 84 acres, located off Highway #64E, New Hope Township

As per the Planning Department and Planning Board recommendation, sketch design approval of the plat was granted with the following condition:

1. Prior to preliminary submittal the developer shall explore the possibility of extending County water to the subject property.

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

6. **Sketch, Preliminary, and Final Approval of "Whippoorwill Waste Treatment Plant":** Consideration of a request by Rob Boening, Executive Director on behalf of **Carolina Meadows**, for subdivision sketch, preliminary and final approval of one (1) non-residential lot, consisting of 3.56 acres, located off SR #1726, Williams Township

As per the Planning Department and Planning Board recommendation, sketch, preliminary, and final approval of the plat was granted as submitted.

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

7. **Preliminary and Final Approval of "Chapel Ridge":** Consideration of a request by Jordan Lake Preserve Corporation for subdivision preliminary and final approval of **"Chapel Ridge"**, Phase Two 'A', Sections 'J', 'K', 'L', 'P', and a portion of 'N', consisting of 210 lots, located off SR #1520, Old Graham Road, Center and Hadley Townships

As per the Planning Department and Planning Board recommendation, preliminary and final approval of "Chapel Ridge" – Phase Two 'A', Sections 'J', 'K', 'L', 'P', and a portion of 'N', and approval of the boundary line revisions were granted as shown on the plat with the following conditions:

1. The final plat not be recorded until the County Attorney has approved the financial guarantee.
2. The roadway to NC #87 shall be constructed to the NCDOT standards prior to issuance of 50 building permits in the Chapel Ridge subdivision.

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

-

8. **Road Name:** Consideration of a request from citizens to approve the naming of a private road in Chatham County as follows:

A. Flatwood Creek Road

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

END OF CONSENT AGENDA

PUBLIC INPUT SESSION

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

BOARD OF COMMISSIONERS' MATTERS

Public Hearings:

-

Public Hearing on Community Development Block Grant – Economic Development: Public hearing to receive public comments to close-out the fiscal year 1999 Community Development Block Grant for Economic Development

The County Manager explained the specifics of the close out public hearing on the fiscal year 1999 Community Development Block Grant for Economic Development. He stated that all of the required CDBG compliance areas have now been monitored; that the CDBG Economic Development project provided \$600,000 toward water improvement to serve the 3M facility; and that the County should proceed with closing out the CDBG portion of the 3M Water System Improvements project which includes holding a public hearing.

The Chairman opened the floor for public comments.

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

The Chairman closed the public hearing.

Chatham County Fiscal Year 2005-2006 Proposed Budget: Public hearing to receive public comments on the Chatham County Fiscal Year 2005-2006 proposed budget

Charlie Horne, County Manager, reviewed the proposed Fiscal Year 2005-2006 budget. He stated that this was a revaluation year

Renee Dickson, Assistant County Manager, presented information on calculation of the revenue neutral rate.

The Board reviewed the Board of Education's funding request and tentatively agreed to follow the Manager's recommendation. The Board agreed that Chairman Morgan would discuss this with the School Board Chairman and report back at the June 6, 2005 budget work session.

The Chairman opened the floor for public comments.

Betty Wilson, 268 Log Barn Road, Pittsboro, NC, stated that she appreciated the effort not to add any positions to the budget; that the Department of Social Services (DSS) desperately needs a new Medicaid caseworker; that the current Medicaid caseloads are unmanageable; that unmanageable caseload sizes increase the risk of errors and financial liability for the County and adversely affect service to the elderly and disabled adults; that today's applicants for Adult Medicaid have accumulated greater assets; that these cases involve more caseworker time to explain program rules and investigate ownership of property in order to accurately determine eligibility for Medicaid; that each of the County's three caseworkers currently manage 323 on-going cases per worker and interview and process twenty new applications per month; that these total 969 on-going cases and sixty new cases per month; that this is a very high caseload for each caseworker; that high caseloads lead to worker error which can be very costly for the County; that there is no State staffing standard for the Medicaid program; that Chatham County has very high caseloads in comparison with other counties that are similar in size; that the average caseload in these counties is 225 cases per worker; that adding one new caseworker at Chatham County DSS will bring caseloads down to 250 cases per worker and fifteen new cases per month per worker; that effective June 1, 2005, the DSS will take applications and provide information about the Low Income Assistance component of the Medicare Prescription Drug Program; that they will be responsible for screening these applicants for Medicaid eligibility; that a new group of elderly and disabled adults will be eligible for the Prescription Drug Program; that in Chatham County it means that up to 2,800 elderly and disabled adults will be potentially eligible for the Medicare Prescription Drug Program; that they are very concerned about their ability to retain these three highly experienced and capable employees due to burnout created by unreasonable workloads and high stress created by the work demands; that the total cost of the Medicaid caseworker position with benefits is \$38,374; that DSS receives a 50% match of state and federal funds for Medicaid caseworker positions, making an actual cost in County dollars of \$19,187.

Ray Greenlaw, 2 Jordan Woods, Pittsboro, NC, stated that for several years, Chatham County's developed properties have been grossly unbalanced; that while residential development has burgeoned, there appears to have been little or no business or industrial properties initiated or expanded in Chatham County; that the bulk of property taxes fall on the citizens and residential property owners; that it does grow in nearby counties; that in reviewing of the "Economic Development Plan" of the proposed budget, it reveals nothing in the "Goals and Objectives" to indicate that there have been: 1) No material increases in actual expansion of the existing businesses or industries in Chatham County; 2) No fulfilled recruitment and establishment of additional businesses or industries in Chatham County; that in discussion with the Finance Officer, it was revealed that the four capital water projects set forth in the approved FY 2004-2005 County budget will be carried forward; that several other water capital projects are somewhere in the process of review and approval; and that whether any of them will be included in the approved FY 2005-2006 budget is unknown.

Bob Eby, 1056 Fearington Point, Pittsboro, NC, stated that he publicly supports the four-cent increase for capital projects and that schools and County infrastructure is desperately needed. He urged the Board to keep at least four cents in the budget for that reason.

Floy Oldham, 1276 Old Fearington Road, Chapel Hill, NC, stated that it would be helpful to give the budget information to the press to publish.

PLANNING AND ZONING

Public Hearings:

Public Hearing for Revision to Existing Office and Institutional Conditional Use District off

Seaforth Road: Public hearing to receive public comments on a request by Terry Otto and Anna Cassilly for a revision to an existing Office and Institutional Conditional Use District with a Conditional Use Permit for:

- Hotels, motels and inns including accessory eating and drinking and personal service facilities when located in the principal structure, specifically for an inn
- Public and private schools, training and conference centers located off SR #1941, Seaforth Road, on approximately 16 acres, New Hope Township, to request the removal of the time limit on the permit

The Chairman administered the oath to those in attendance who wished to make public comments on each of the conditional use permit issues.

Anna Cassilly, stated that she would like to have this approval up front before they build a tremendous amount into the business.

Public Hearing for Revision to Existing Conditional Use Permit for a Planned Unit Development for “Galloway Ridge”: Public hearing to receive public comments on a request by Galloway Ridge at Ferrington for a revision to the existing Conditional Use Permit for a Planned Unit Development (Galloway Ridge portion of the Ferrington Planned Unit Development) on approximately 50 acres, for a signage revision

Jason Cronk, 18 Randolph Court, Pittsboro, NC, executive director at Galloway Ridge, stated that it is set to open in stages throughout the year and that their request is to change the sign to mirror the Ferrington signs across the road; and that there would be a symmetrical look as well as maintain the rural sense of Ferrington and Galloway Ridge.

Kirk Lohry, 18 Randolph Court, Pittsboro, NC, designer for sign revisions, stated that Mr. Fitch has created a development area that is one of the jewels of Chatham County; that part of that is the development of the rural theme; that in order to maintain that theme and feeling, he realized that he had to increase the sign size; and that he is supportive of the larger mirror signs for Galloway Ridge.

Public Hearing on Revision to Existing Office and Institution Conditional Use District with Conditional Use Permit by David Daniel Construction Company: Public hearing to receive public input on a request by D. D. W., Inc. d/b/a David Daniel Construction Company for a revision to an existing Office and Institution Conditional Use District with Conditional Use Permit for general and professional offices, on 5.7 acres, off SR #1008 (Mt. Carmel Church Road), in Williams Township, to add an office building and associated parking area

Nick Robinson, attorney for the applicant, stated that he is requesting a change in his conditional use permit; that he is asking for an amendment to add a 4,000 square foot building in the back of the property; that the use would be identical; that it will preserve the residential rural character of Mt. Carmel Church Road; that it would allow for the provision of needed services by a locally owned and operated company and cluster reasonable commercial development with the existing residential; that the building would match the turn-of-the-century structure already on the site; that the plan, as well as the landscaping plan, had been submitted to the Appearance Commission which was approved with slight additions of a few 3-4' bushes on the west side of the parking lot to shield it from the large lot residential; that the five findings are easily made; and that this construction company has been adding four million dollars to the tax base each year since 2001.

Emily Hull-Ryde, 523 Edwards Ridge Road, Chapel Hill, stated that she has lived adjacent to this property for the last ten years; that she came before the Board regarding this same property in 2001; that she and the neighbors were very concerned with preserving the rural appearance of the property; that this new plan will cause this area to lose the rural character feeling; that the current plan appears to preserve this appearance, they propose a 4,000 square foot building to be used by four people; that the parking area is designed for twenty-two vehicles; that she is unsure why so many spaces are needed; that the application acclaims that there will only be 46 additional round-trips on the road; that there is limited site at the driveway entrance; that they see this plan as a maximum plan to develop the property for commercial use; that they see the applicant as continually developing the plan and returning to the Board for approval every couple of years; and that they really do not know what the final plan will be. She urged the Board to have an idea of the finished product.

Public Hearing on Revision to Chatham County Watershed Protection Ordinance: Public hearing to receive public input on a request by Chatham Citizens For Effective Communities, Inc., Et al, for a revision to the Chatham County Watershed Protection Ordinance, Section 303, Cluster Development

Loyse Hurley, 16 Matchwood, Pittsboro, NC, President of Chatham Citizens for Effective Communities, stated that this textural amendment is being requested by Chatham Citizens for Effective Communities, Inc. (CCEC) as well as by the Haw River Assembly, The Friends of the Rocky River, Chatham United and the Chatham Coalition; that these groups reach a great number of citizens; that this amendment only applies to clustered developments which span across watershed zoning districts; that they are requesting that such clustered subdivision be allowed under certain conditions which include: a minimum lot size, river and stream buffers, a burden of proof, and a peer review of that burden of proof; that the Williams Pond development showed a potential void in the Watershed Protection Ordinance where future development could harm the waterways; that looking at the watershed map, they have identified at least fourteen parcels or combination of parcels which would potentially fall within this category: two above the Pittsboro water intake on the Haw River, five above the Siler City water intake on the Rocky River, and seven above the Lee County and Sanford water intakes on the Rocky River, Deep River, and the Cape Fear River basin.

Ms. Hurley addressed specifics of their request as follows:

- Minimum Lot Size

- Sections of the clustered development cannot be less than the average of the spanned watershed zones. Specifically, when a five-acre zoned area is joined with a one-acre zoned area, the average minimum lot size must be at least three-acres in each zone and the entire development must be held to a two-acre minimum

Buffering

1. River buffers require a 400 foot undisturbed buffer from the bank of the river
2. Perennial stream buffers require a 150 foot undisturbed buffer
3. Intermittent streams require a 100 foot undisturbed buffer
4. Ephemeral streams require a 75 foot undisturbed buffer if their drainage area is more than 25 acres and a 50 foot undisturbed buffer if their drainage area is between 10 and 25 acres.

All existing vegetation shall remain except for invasive species and that can be removed in accordance with environmentally safe standards.

Burden of Proof

The applicant shall bear a burden of proof showing that the design they are requesting shall compare favorably with the standard provisions of the Watershed Protection Ordinance. That burden of proof shall consist of scientific evidence that the proposal shall improve the water quality and that any run-off will not adversely impact the water quality of the County's lakes, streams, and rivers.

Peer Review

The applicant shall pay for the County to hire a consultant, selected by the County and with the County's parameters, who will review the scientific evidence of continuing water quality. This peer review must be completed at least thirty days before the notice of the public hearing.

Ms. Hurley introduced other members speaking on behalf of the CCEC.

Rita Spina, representing the Haw River Assembly, stated that she is a co-sponsor of this event; that allowing site specific exemptions are hurting the water quality; that passage of this amendment is urged; that the Haw River is one of the most important natural resources; that Jordan Lake provides water to 150,000 people; that keeping water clean is vital to recreational users; that the Haw River is home to endangered species; and that the Haw River and Jordan Lake are already listed as hazardous waterways.

Robert Sears, 273 Hollands Chapel Road, Apex, NC, stated that he represents Chatham County United (CCU); that they support the proposed textural change to the watershed ordinance; that he remembers during 1966-68 how people lost their land and fertile farmland to Jordan Lake; that the lake was pitched as a place for recreation and as a water source; that Durham knows it is also a place to run the outflow from sewage treatment plants; that by 1978, the lake was starting to come together; that it is obvious that the water quality in the north end where Durham inputs is getting worse and that it is moving south toward US Highway #64; that Cary, and to a much lesser extent Chatham County, get their drinking water from Jordan Lake; that they are attempting to put more teeth into the watershed ordinance; that it will only work if the Board follows the rules; that a common sense approach would help when dealing with the developers; that common sense says that one house per five acres with a septic system will have less impact than more houses concentrating all their waste into one place to be handled by some miracle system; that he recommends a moratorium for the next two years on any development greater than 25 houses; that he understands that there are presently between nine to ten thousand houses on the books now; and that slowing down would help the County catch up on needed infrastructure and schools. He urged the Board to consider, approve, and then follow the proposed changes to the watershed ordinance.

Kathleen Hundley, 136 Rocky Falls, Pittsboro, NC, stated that she represents the Friends of Rocky River (FORR); that 90% of the Rocky River is in Chatham; that the Rocky River basin drains approximately half of the County diagonally across the County and serves as the major water source for Siler City, Bonlee, Bennett, and other communities in both Chatham and Lee Counties; that the lower sections have been designated by the State of North Carolina Department of Environmental and Natural Resources (DENR) as a "Heritage River"; that the fact that a proposed second dam across the river has received approval from DENR has greatly concerned FORR for they believe that the dam will decrease the amount of flow in the river; that in addition, the river also receives effluent from the waste water treatment plants of both Siler City and Liberty, which, along with development and construction non-point sources, has contributed to the degradation of water quality throughout the length of the river, putting the river at risk for further degradation; that presently, the Rocky River enhances the value of property along its banks and throughout its watershed through its beauty and unspoiled atmosphere; that the Friends of the Rocky River (FORR) is an incorporated, non-profit citizen's organization comprised primarily of more than eighty property owners along the entire length of the river; that FORR maintains that one role of the Chatham County Board of

Commissioners is to protect the economic and environmental values of the Rocky River and other waterways in the County; that a first step in addressing and protecting the waterways and values of Chatham County is to endorse the proposed watershed protection ordinance as it applies to clustered subdivisions and two plus acres zones; that there are a number of present and future environmental threats to the health of the Rocky River that now need to be addressed; and that by adopting the proposed Watershed Protection Ordinance, the Board of Commissioners, together with the citizens of the County, have the ability to make the County's waterways the cleanest in the State and become a model for other counties in preserving its natural resources and environmental heritage.

Sonny Keisler, a member of the Friends of the Rocky River (FORR), stated that Chatham should be kept clean and beautiful; that Chatham's natural and environmental resources make it a magnet for those seeking a clean and pristine environment; that beautiful, clean environments will be more prosperous in the future; that Chatham should not be allowed to become just another crowded place; that Chatham should not be allowed to become just another degraded place because the amendment would help protect water resources; and that Chatham should act now to protect its cultural history and natural legacy; and that approving the amendment would help protect Chatham's legacy.

Jan Nichols, 148 Fairview Road, Pittsboro, NC, stated that she is treasurer of the Chatham Coalition; that one of the principal goals stated in both the County's strategic plan and its Land Use Plan is preserving and protecting Chatham's rich natural resources, in particular its lakes, rivers, and streams; that protecting these water resources will also preserve the quality of drinking water; that this amendment clearly falls within one of the meanings of an "open, pro-active, cooperative" approach to land development and conservation that is "preparing ahead for development issues instead of reacting to specific development proposals or growth-shaping influences"; that this amendment is an attempt to deal with future situations similar to the one recently addressed on an ad hoc basis when the ordinance was revised to solely allow approval of the Williams Pond subdivision adjacent to the Haw River; that it is based on the principal that Chatham County should be planning its own future development, not just responding to outside developer's proposals to revise and re-shape the County's development ordinance and plans; that this amendment requires maintaining a naturally vegetated strip of land along a stream or river sufficient to preserve healthy aquatic ecosystems and provides a range of environmental, economic and social benefits including trapping and removing sediment, nutrients, and contaminants from runoff, stabilizing stream banks and reducing channel erosion, storing flood waters, maintaining good water quality, improving aesthetics, and offering recreational and educational opportunities; that the burden of proof is based on Compact Communities Ordinance; that clear and convincing scientific evidence should be required; and that there should be a thirty-day period between release of the final peer review to the public and holding a public hearing on the proposal; that this provides the Board, the County Planning Staff, and citizens a reasonable time to review the scientific evaluations of the proposal and prepare questions and testimony for the public hearing; and that the more complete the evidence presented at a public hearing, including conflicting evidence, the more likely the Board will have all the information needed to fully evaluate a request and perform their critical function as stewards of the County's rich natural resources and heritage, particularly its valuable and beautiful lakes, rivers, and streams.

Loyse Hurley, completed the CCEC comments by adding that the Board of Commissioners has now heard their plea; that Jordan Lake and the County's rivers are impaired and in danger of further deterioration from development; that the Watershed Protection Ordinance was enacted to provide maximum protection of these waterways; that there are valuable economic assets from clean, biologically healthy streams, rivers, and lakes; that the Land Use Plan has a policy of protecting and preserving its natural resources (Jordan Lake, Haw River, Rocky River, Deep River and the Cape Fear River Basin); that these waterways are valuable assets of the County, not only for their beauty and recreational pleasure, but for critical future economic development; that the most important and critical asset of the County, however, is its people and their continued health; that these rivers and lakes are the source of their drinking water and should be protected and

preserved. She asked that the Board approve the proposed textual amendment to the County's Watershed Protection Ordinance.

Judith Ferster, 228 Carolina Meadows Villa, Chapel Hill, NC, Chair of the Conservation Committee of the Orange Chatham Group of the Sierra Club, stated that one of the important purposes of this amendment is to increase the size of buffers along streams and add one for rivers that flow through a property; that a disadvantage of such a change is that it might decrease the number of homes that can be sited in a community; that the NCDENR study of Jordan Lake shows that it is impaired because of excess nutrients; that from events that occurred in North Carolina in 1995, some of the effects of high concentrations of nutrients like nitrogen and phosphorus are: algae blooms, proliferation of toxic bacteria, oxygen depletion, fish dying in droves, loss of native species of fish and shellfish; that of the two great sources of nutrients to the lake, point and non-point, non-point sources contribute the greater portion: run-off from agricultural, commercial, industrial, and residential sites; that in one report, non-point sources contributed more than 2/3 of the nitrogen and more than 3/4 of phosphorus; that of all the sources, both point and non-point, residential sites contributed over 20% of nitrogen and almost 25% of phosphorus; that one of the best strategies for controlling the nutrient content of run-off is buffer size; that state-mandated 50' buffers are good but minimal; that there is no question that wider buffers are better; that buffers reduce sediment, remove nutrients, remove pesticides, reduce flooding, help control water temperature, protect land and water habitats, and therefore, biodiversity; that larger buffers aren't the only things they do; that they can reduce clear-cutting, reduce acreage of lawns and golf-courses, reduce impervious surfaces, monitor the steepness of slopes in buffers to encourage water to flow in sheets instead of channels; they can maintain spray irrigation systems rigorously so they don't fail; and that increases in the minimum buffer size is a minimal move for now.

Nick Robinson, stated that he is a resident of Chatham County and also the attorney representing Bynum Ridge, LLC in the recently approved Williams Pond neighborhood. He stated that in his capacity as attorney, he believes that it is important that, if the Board deems it appropriate to modify the Watershed Protection Ordinance, the resolution adopting the same must contain language specifically stating that the new provisions will not apply retroactively but apply only to future subdivision/conditional use permit applications; that NCGS Section 153A-344.1 provides for vesting of rights previously granted in the form of a site specific conditional use permit; that because the laws prohibit retroactive application of revised watershed rules, the resolution should provide specifically that the revisions will apply only to future subdivision/conditional use permit applications; that he has carefully reviewed the proposed watershed ordinance amendment and proposed a table showing significant increases in buffer sizes requested; that the proposal calls for peer review of scientific evidence in cases where a landowner owns a parcel in two watershed districts and requires a showing of "clear and convincing scientific evidence"; that because all sides of the issues raised have not been carefully examined, the current proposal, if approved, really may have unintended consequences that are more harmful to the watershed; that soil maps should not be used for determining buffers on ephemeral streams; and that because they have not been fully explored, the amendment as proposed would be premature and possibly counter-productive.

Mark Ashness, stated that there are two concerns he had with the presentation; that the great exceedance of the buffers is of concern; that Chatham's is already more than the state standard; and that actually improving the water quality would be difficult unless the area was involved in farming.

Beth Kricker, stated that she held out hope that everyone could work together to save the wildlife, woods, air, and generally keep some segment of the gentle and quiet life that brought her, her family, and many others to Chatham County; that the promise of low taxes and a time or retirement was another incentive; that since 2002, one by one, all of the above is rapidly disappearing brought on by run-away development which was encouraged and sanctioned by the members elected in 2002; that the most precious

assets entrusted to the Board's care are creeks, rivers, and Jordan Lake which attracts tourists and helps support the small business community and allows them to survive; that the lake is seriously compromised; that there have been sewage spills and seepage into the creeks and rivers which flow into the lake and affect surrounding runoff and the drinking water of Chatham and other counties; that biologists have informed her that there are levels and limits as to how much water can be safely treated without encouraging asthma in children and heart disease in the older population; that the Board is entrusted with the care of these valuable assets. She asked that the Board take the steps necessary to protect the rivers and lake from developers who lack the same concern and care stating that she hopes the Board will not allow expedience to take precedence over their responsibility to leave something clear and beautiful for the next generation.

Bill Sommers, 1067 Fearington Post, Pittsboro, NC, stated that he attended two events during the prior week that brought home the significance of the context in which the ordinance is being presented; that the first one was the presentation by the Division of Water Quality (DWQ) of their test results regarding Jordan Lake/Reservoir/Cape Fear Watershed reports; that both were scientifically detailed and analyzed in terms of water impairment resources that were discussed; that there is a "cloud of impairment" at the top of Jordan Lake and the communities around it; that the "cloud" is coming closer to Chatham County; that in lieu of the elements of impairments in the general context of Chatham County are not as great as they are up north, the "cloud" is coming; that part of the recommendations that the DWQ had was that local governments begin to take more pervasive and stronger action to prevent the "cloud" from manifesting itself in the way that it has done north of the County; that a consideration of what the Board has been presented is of great importance; that it must be molded to fit Chatham County's needs both developmentally and in the protection of its resources; that the EPA and NCDENR have now issued the guidelines for Phase II of the stormwater operation that is now including smaller communities; and that he hopes that the Board will consider the matter carefully.

Elaine Chiosso, stated that she felt the County was very vulnerable to the same situation that happened with Williams Pond happening again; that precedent has been set; that there is no reason that another developer wouldn't come before the Board and ask for density averaging; that she thinks the County needs to be prepared by having a watershed protection ordinance that clearly states what has to happen if someone wishes to ask for density averaging; that hydrology and soil science have to be looked at; that it is not reasonable to expect that developers have the best interest in water quality and environmental health; and that the County has to take responsibility for it.

BREAK

The Chairman called for a ten-minute break.

BOARD OF COMMISSIONERS' MATTERS

Chatham County Fiscal Year 2005-2006 Proposed Budget: Public hearing to receive public comments on the Chatham County Fiscal Year 2005-2006 proposed budget

The Chairman reopened the floor for comments on the proposed Chatham County Fiscal Year 2005-2006 proposed budget.

There were no additional persons present who wished to make public comments.

PLANNING AND ZONING

Sketch Design Approval of "Meadowview": Consideration of a request by Community Properties,

Inc. on behalf of Polk-Sullivan, LLC/Chatham Partners, LLC for subdivision Planned Unit Development sketch design approval of “**Meadowview**”, consisting of 715 lots, on approximately 793 acres, located off SR #1520, Old Graham Road and Highway #87 North, Center and Hadley

Commissioner Barnes stated that he would like to see the Soil and Sedimentation Control Officers hired, out in the fields, and in the County system as soon as possible.

Commissioner Cross stated that developers may wish to check with NCDOT to make certain that there are adequate turn lanes for their entrance on Highway #87. He also stated that an area (that was not detrimental to the appearance of the owner’s property) was needed for a Chatham County bulk/solid waste pick-up.

Bob Eby, 1056 Fearrington Post, Pittsboro, NC, stated that removing the nitrogen and phosphorous from the wastewater and effluent was critical.

Jim Beason, 11010 Raven Ridge Road, stated that he was a soil scientist for the developer; that if all the phosphorous and nitrogen were removed from the soils then plant life would not be possible to a great extent.

Elaine Chiosso, stated that they were not talking about removing all of the nitrogen and phosphorous; that there are limits to any technology; that it is nitrogen and phosphorous causing all of the algae in Jordan Lake; that the new state monitoring is listing the lake as impaired including the park and the County drinking water; and this can not continue to be ignored as the large developments are approved which will add more nutrients to the water.

Nick Robinson cautioned the Board of Commissioners to be mindful of data and pictures presented and what they may or may not signify.

As per the Planning Department and Planning Board recommendation, Commissioner Emerson moved, seconded by Commissioner Outz to grant sketch plan approval with the following conditions:

1. Prior to submittal of the preliminary plat fore review, the feasibility of access to the properties of Alston, Harris, Holt and Lutterloh shall be evaluated.
2. Due to the possibility that Chatham County may add this subdivision to its distribution system, the development must exceed Heater Utilities specifications and meet Chatham County’s specifications as required in Chapel Ridge regarding the materials used in water main materials and installation.
3. Detailed stormwater plans shall be provided and approved by the County prior to preliminary approval.
4. Any required environmental monitoring reports shall be provided to the local County offices of the Health Department.

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

BOARDS AND COMMITTEES

Adult Care Home Committee Appointments: Consideration of a request to appoint/reappoint two

members to the Adult Care Home Committee by Commissioner Barnes (1) and the Board (1)

Appointments to the Adult Care Home Committee were deferred until a later date.

Central Carolina Community College Board of Trustees Appointment: Consideration of a request to appoint a member to the Central Carolina Community College Board of Trustees by the Board (1)

Commissioner Emerson moved, seconded by Commissioner Outz, to appoint Lonnie West, 106 Dumont Court, Pittsboro, NC, to the Central Carolina Community College Board of Trustees. The motion carried five (5) to zero (0).

Human Relations Committee Appointments: Consideration of a request to appoint/reappoint one member to the Human Relations Committee by Commissioner Barnes (1)

Commissioner Barnes moved, seconded by Commissioner Emerson to appoint Gabriel Soltren, 210-H High Ridge Drive, Sanford, NC, to the Human Relations Committee. The motion carried five (5) to zero (0).

Board of Health Appointments: Consideration of a request to appoint five members to the Chatham County Board of Health to fill the following vacancies: (1) Veterinarian (2) Professional Engineer (3) Public Seats

Appointments to the Board of Health were deferred until a later date.

MANAGER' S REPORTS

The County Manager reported on the following:

Public comments will be received on the budget in a meeting at the Siler City Courtroom on May 23, 2005 at 7:00 PM.

COMMISSIONERS' REPORTS

Soil Survey:

Commissioner Outz asked about the soil survey and asked if it would be in order to write to the legislators asking that it be published.

Dog Problems:

Commissioner Outz stated that Mr. Owen Johnson was still complaining about the dog situation.

Phillips Road:

Commissioner Outz asked if the Phillips Road in the Bennett area was scheduled to be paved. He stated that he thought that it was either SR #2322 or #2223.

Charlie Horne stated that a response had been received stating that the road number sited had already been paved.

House Bill #1134 and Senate Bill #981:

Commissioner Barnes stated that Senator Bob Atwater is sponsoring Senate Bill #981 supporting the "Drinking Water Reservoir Protection Act"; that he feels that everyone would like to see the bill passed; and that he would like for the Board to adopt a resolution supporting Senate Bill #981 and House Bill #1134.

After considerable discussion, by consensus, the Board decided to defer action on this matter until their meeting to be held on Monday, May 23, 2005.

Naming of CCCC Science Building:

Chairman Morgan stated that he had received a request from Bill Dudenhausen asking that the Board write a letter to Central Carolina Community College President, Dr. Matt Garrett, supporting the naming of the Central Community College Science Building be named for former CCCC president, Dr. Marvin Joyner.

Commissioner Emerson stated that he thought that the CCCC Board had already taken action on this matter.

ADJOURNMENT

Commissioner Barnes moved, seconded by Commissioner Emerson, that the meeting be adjourned. The motion carried five (5) to zero, and the meeting was adjourned at 8:51 PM.

Bunkey Morgan, Chairman

ATTEST:

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