

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
MARCH 19, 2007

The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met in the District Courtroom, 12 East Street, located in Pittsboro, North Carolina, at 6:00 PM on March 19, 2007.

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

INVOCATION AND PLEDGE OF ALLEGIANCE

Chairman Thompson delivered the invocation after which everyone was invited to recite the Pledge of Allegiance.

CALL TO ORDER

The meeting was called to order by the Chairman at 6:17 PM.

AGENDA AND CONSENT AGENDA

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

Commissioner Barnes moved, seconded by Commissioner Lucier, to approve the Agenda and Consent Agenda as follows:

1. **Minutes:** Consideration of a request for approval of Board Minutes for regular meeting held February 19, 2007, work session held February 19, 2007, and work session held March 12, 2007

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

2. **Funds Acceptance for Health Department Awarded to Environmental Health Division:** Consideration of a request to accept funds in the amount of \$7,086.28 awarded to the Health Department’s Environmental Health Division

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

3. **Non-Intensive Family Preservation Services Grant:** Consideration of a request by the Department of Social Services to apply for a “Non-Intensive Family Preservation Services” grant to be used to retain the social worker hired with the initial grant

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

4. **Purchase of MIS Computer Hardware:** Consideration of a request to purchase new MIS Computer Hardware – IBM iSeries, and award bid to Yorel Integrated Solutions, Inc./IBM Credit LLC through the NC State contract in the amount of \$78,532.08 over a three-year installment plan

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

5. **Child Fatality Prevention Team:** Consideration of a request to nominate Mr. Joe Birchett as a reappointment to the Child Fatality Prevention Team by the full Board

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

6. **Child Fatality Prevention Team:** Consideration of a request to nominate Ms. Chreatha Alston-Woods as a reappointment to the Child Fatality Prevention Team by Chairman Thompson

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

7. **Green Building Task Force Committee:** Consideration of a request to nominate Mr. Ed Timoney, 5521 Maggie Run Lane, Fuquay Varina, NC, to the Green Building Task Force Committee by Commissioner Lucier

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

8. **Fiscal Year 2006-2007 Budget Amendments:** Consideration of a request to approve budget amendments, attached hereto and by reference made a part hereof.

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

9. **Orange Person Chatham (OPC) Mental Health, Developmental disabilities and Substance Abuse Authority – Local Business Plan 2007-2010:** Consideration of a request to approve the Local Business Plan 2007-2010 for the OPC Mental Health, Developmental Disabilities and Substance Abuse Authority, attached hereto and by reference made a part hereof.

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

10. **Road Names:** Consideration of a request from citizens for the naming of private roads in Chatham County as follows:

- A. Carolina Farm Road
- B. Lori Lane
- C. Mae Turners Drive
- D. Old Farm Court

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

11. **Request for Revision to Condition #2 of “Chapel Ridge, Phase I”:** Consideration of a request by Nicolas P. Robinson for a revision to Condition # 2, of Chapel Ridge, Phase I, regarding sidewalks from Highway #87 to the clubhouse recreation area

As per the Planning Department and Planning Board recommendation, the request to grant a revision to Condition #2 of Chapel Ridge, Phase One to eliminate the construction of the sidewalk from NC Highway#87 to the clubhouse/recreation area was approved with the following conditions:

1. The Parks at Meadowview shall install a trail system substantially as depicted on the “Community Trail Master Plan”, prepared by CE Group, Inc. dated February 08, 2007. The entire trail area shall be completed prior to final plat approval for the final phase of The Parks at Meadowview.
2. The developer will install an additional trail from the westernmost portion of the main trail to NC #87 if directed by the Planning Board at a future time. The Planning Board shall notify the developer to install the trail not later than ten years from March 19, 2007.

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

12. **Final Plat Approval of “The Cottages At Stonegate”:** Consideration of a request by Pittman-Korbin, Inc. for final plat approval of “The Cottages At Stonegate, Phase 3”, consisting of 8 lots on 64 acres, located off SR #1535, Gilmore Road, and SR #1534, Poythress Road, Baldwin Township

As per the Planning Department and Planning Board recommendation, final plat approval of “The Cottages at Stonegate, Phase 3” was approved with the following conditions:

1. A note be placed on the final plat stating that access to Lots #21, #22, #23, #24, #25, and #26 will be provided by the internal public roadway only.
2. A note be placed on the final plat stating the maintenance responsibility for the private easement, Cala Lily Court.

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

13. **Proposed Text Amendments to the Chatham County Communications Tower Ordinance:** Consideration of a proposed text amendments to the Chatham County Communications Tower Ordinance to Section 6-5, Remedies. The purpose of the amendment is to change the civil penalty from a flat fee to a graduated scale.

As per the Planning Department and Planning Board recommendation, **An Ordinance Amending an Ordinance Regulating Communications Towers in Chatham County, North Carolina** was adopted and is attached hereto and by reference made a part hereof.

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

14. **Proposed Amendments to the Chatham County Junkyard Ordinance:** Consideration of proposed text amendments to the Chatham County Junkyard Ordinance to Section 9, Enforcement Provisions. The purpose of the amendment is to change the civil penalty from a flat fee to a graduated scale.

As per the Planning Department and Planning Board recommendation, **An Ordinance Amending the Junk Yard Control Ordinance of Chatham County** was adopted and is attached hereto and by reference made a part hereof.

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

15. **Proposed Text Amendments to the Chatham County Mobile Home Ordinance:** Consideration of a proposed text amendments to the Chatham County Mobile Home Ordinance to Section 19, Penalty For Violations and Section 6.2(A), Mobile Home Lot Size. The purpose of the amendments is to change the civil penalty from a flat fee to a graduated scale and increase the minimum lot size requirements.

As per the Planning Department and Planning Board recommendation, **An Ordinance Amending the Mobile Home Ordinance of Chatham County** was adopted and is attached hereto and by reference made a part hereof.

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

16. **Proposed Text Amendments to the Chatham County Off-Premise Sign Ordinance:** Consideration of proposed text amendments to the Chatham County Off-Premise Sign Ordinance to Section 107.00, Enforcement. The purpose of the amendment is to change the civil penalty from a flat fee to a graduated scale.

As per the Planning Department and Planning Board recommendation, **An Ordinance Amending the Off-Premise Sign Ordinance of Chatham County** was adopted and is attached hereto and by reference made a part hereof.

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

17. **Proposed Text Amendments to the Chatham County Subdivision Regulations:** Consideration of proposed text amendments to the Chatham County Subdivision Regulations to Section 1.14, Prohibited Acts, Enforcement, and Penalties. The purpose of the amendment is to change the civil penalty from a flat fee to a graduated scale.

As per the Planning Department and Planning Board recommendation, **An Ordinance Amending the Subdivision Regulations of Chatham County** was adopted and is attached hereto and by reference made a part hereof.

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

18. **Proposed Text Amendments to the Chatham County Zoning Ordinance:** Consideration of proposed text amendments to the Chatham County Zoning Ordinance to Section 19, Penalty For Violations. The purpose of the amendment is to change the civil penalty from a flat fee to a graduated scale.

As per the Planning Department and Planning Board recommendation, **An Ordinance Amending the Zoning Ordinance of Chatham County** was adopted and is attached hereto and by reference made a part hereof.

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

19. **Proposed Text Amendments to the Chatham County Watershed Protection Ordinance:** Consideration of proposed text amendments to the Chatham County Watershed Protection Ordinance to Section 106, Remedies. The purpose of the amendment is to change the civil penalty from a flat fee to a graduated scale.

As per the Planning Department and Planning Board recommendation, **An Ordinance Amending the Watershed Protection Ordinance of Chatham County** was adopted and is attached hereto and by reference made a part hereof.

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

END OF CONSENT AGENDA

PUBLIC INPUT SESSION

Travis Bland, 165 Cary Wilson Road, Apex, NC, stated that she is against the lighting ordinance as proposed; that elderly people need lighting outside for safety reasons; and that it needs to remain unchanged.

PLANNING AND ZONING

Public Hearings:

Rezoning Request from Heavy Industrial to Residential Agricultural: Public hearing to receive public comments on a request by Chatham County to rezone approximately 533 acres on SR #1972 (Pea Ridge Road) from Heavy Industrial (H-Ind) to Residential Agricultural (RA-40)

Loyse Hurley, 16 Matchwood, Pittsboro, NC, President of Chatham Citizens for Effective Communities (CCEC), stated that for years, CCEC has criticized developers when they requested a rezoning without any development plan; that now the County is proposing to

do the very same thing; that this property has sat as an industrial zone for a long time; that there is no need to rezone at this time; that if a property owner would like to use their land for some purpose other than H-I, they could come forward with their specific plan and request both a rezoning and, if needed, a Conditional Use Permit; that in this manner, the property owner is not denied the ability to develop their land and the Board of Commissioners is not asked to rezone a tract without knowing what will actually be developed on it; that they agree with helping out the individual property owner and perhaps something can be written into the revisions of the ordinances to assist them; that they also agree that this area needs to be improved with perhaps both residential and commercial development, but 533 acres is far more than an individual property owners' request and premature considering the planning the Board is trying to do for the entire County; that the County is encouraging economic development; that there is very little industrial property available right now without rezoning; and that this is potentially an area where economic development could take place.

She stated that the County is trying to upgrade all the ordinances including mandated public hearings for all types of development, working on doing things consistent with the Land Use Plan, asking for fiscal responsibility for our water supply, trying to get an overall, well-planned, County-wide, picture in place; that somehow, the County requesting this, at this time, doesn't seem to fit into the goals and promises made during campaigns; that this request appears to be going contrary to the direction the Board is trying to take this County - thoughtful planning consistent with the Land Use Plan, and consideration of the environmental impacts and economic development. She asked where this request fits into this overall plan.

Chris Young, 105 Avoncroft Court, Apex, NC, stated that he and his wife are supportive of this plan and urged the Board to approve this request.

Tim Parker, 972 Pea Ridge Road, New Hill, NC, stated that his family owns 160 acres of this property; that he would like to have it returned to residential and agricultural; that his family cannot even build a house without jumping through hoops; and that there is enough industrial development around him.

Allison Weakley, 311 Boothe Hill Road, Chapel Hill, NC, stated that there are significant natural heritage sites in the area and a number of endangered species (Cape Fear Shiner) as well. She submitted two maps of the area for the Board's review showing some of the natural resources including significant natural heritage aquatic site at the confluence of the Deep and Haw Rivers as they consider the request.

John Wasson, 663 Old US Highway #1, Moncure, NC, stated that his father is a property owner along Pea Ridge Road; that his father would prefer that it should remain industrial to help provide jobs; that if residential development does occur, residents should be informed of the types of industries around and of their possible by-products and emissions.

Commissioner Cross stated that he was the one who submitted the request; that at the intersection of Pea Ridge Road and US Highway #1 is the primary development intersection for the Moncure area; that the citizens of Moncure do all of their shopping in Wake, Lee, or Harnett Counties because they have no place for a supermarket; that they have already been told by the school board and developers that until they get more residents there, they will never have a school nor a shopping center; that this request is not to change anything that is heavy industry; that it would take the existing plants and any property adjoining them that their parent company owns and it would remain heavy industry; that on the one-mile stretch of Pea Ridge Road, there are nine houses that were already there before it was zoned heavy industry; that there are thirteen houses across the road; that a new fire department has been built on the south end and above that, the church would like to place a parsonage there; that he doesn't know what precipitated the heavy industry; the EDC and property owners have been waiting for seventeen years to get someone who wants some heavy industry land, but there have been none; that in the meantime, the citizens are having to hire an attorney, go to the Planning Department, go to the Planning Board, then go to the Commissioners just so their children can cut an acre or so to have a new home; that if heavy industry wants to locate there, they can request to rezone the land; that he is only talking about two hundred acres or less; that it just makes sense to let the community develop some of the area; and that that is the reason for the request.

Submission of Community Development Block Grant (CDBG) Application: Public hearing to receive public comments on the submission of a Community Development Block Grant (CDBG) scattered site housing application

The Planning Director explained that a Site Selection Committee was formed consisting of representatives of Chatham County, the Towns of Pittsboro and Siler City, and the local office of the NC Rural Communities Assistance Project, Inc.; that the Town of Goldston elected not to participate in the 2007 CDBG Scattered Site project; that in describing the selection process, the applicant's household must be at or below 50% of the median income for Chatham County, which is \$61,700, own their home which serves as their principal residence and fit one of the special needs categories targeted by the program: elderly head of household, disabled, sing-parent or large family household; that a priority system was developed to rank eligible applicants; that the Site Selection Committee proposes to provide rehabilitation assistance to a minimum of seven (7) very low income households; that the committee most recently met on March 9, 2007 and identified single-family housing units to include in the FY 2007 CDBG Scattered Site Grant Project; and that the Site Selection Committee has also agreed to allow \$40,000.00 in CDBG funds to serve as an L-1 project and address emergency repairs to those owner occupants with income also under 50% of the County's median household income.

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

Commissioner Barnes moved, seconded by Commissioner Lucier, to adopt the following documents:

Resolution #2007-10 Approving Administrative Guidelines and Policies for the FY 2007 Community Development Block Grant Scattered Site Housing Program

Resolution #2007-11 to Submit a Community Development Block Grant Scattered Site Housing Application

Chatham County Citizen Participation Plan

Resolution #2007-12 for Requisition and Check Signatures and Administration

Chatham County FY07 CDBG Scattered Site Program Project Budget Ordinance

The motion carried five (5) to zero (0). All documents are attached hereto and by reference made a part hereof.

Proposed Text Amendments to the Chatham County Zoning Ordinance: Public hearing to receive public comments on a request by the Chatham County Board of Commissioners to receive citizen input on proposed text amendments to the Chatham County Zoning Ordinance to include a section to regulate outdoor lighting. The amendments include standards for outdoor lighting, establish lighting design review and enforcement procedures, and establish an amortization schedule for vehicular canopies.

Loyse Hurley, 16 Matchwood, Pittsboro, NC, President of Chatham Citizens for Effective Communities (CCEC, stated that the ordinance itself is excellent; that their concern is about its application; that it is now being considered as a text amendment to the Zoning Ordinance, yet the County does not have County-wide zoning; that CCEC feels strongly that this should be a stand alone ordinance which would be applicable to the entire County and not be limited just to the zoned areas of the County; that the rural areas deserve just as much protection from light pollution as do our zoned areas; that the unzoned areas are primarily rural and agricultural areas where light pollution could be considered even more of a problem than in the more congested zoned areas of the County; that the protections offered by this ordinance are needed throughout the County; that they all want to enjoy the beauty of the night sky; that no one wants the safety hazard of being blinded by bright lights when pulling out of a gas station at night; that if the rationale for restricting it to the zoning ordinance is because of enforcement problems since lighting occurs at night, how does one plan to

enforce the ordinance in any zoned location?; that that is not a good rationale for restricting application of this ordinance; that there are many ways to enforce this ordinance - train and equip the Sheriff's Office with light meters, and have them respond to calls about excess lighting similar to how they respond to the noise ordinance or have someone from the Planning Department on night time emergency call; and that after the initial enforcement of the ordinance, the balance of enforcement problems should be based upon complaints, so this should not place an undue burden on County resources.

Jerry Markatos, 800 Rock Rest Road, Pittsboro, NC, stated that they live in an area that is less densely populated; that there is a large amount of light that is going straight up and it is not efficient; that he would offer his help with the use of light meters; that he hopes this can be implemented Countywide; and that he has neighbors that were unable to be present and will be submitting written comments.

Cathy Markatos, 800 Rock Rest Road, Pittsboro, NC, stated that this effort is excellent; that it is important to provide good visibility on the land; that observing the night sky is a great pleasure in this County; and that off-premise signs may need this consideration as well.

John Wasson, 663 Old US Highway #1, Moncure, NC, stated that last month Chatham Journal published "99 Things We Love About Chatham County" and two of them were the night sky; that one of the things that attracted him to the current subdivision he lives in were the restrictive covenants that did not allow dusk-to-dawn lighting; and that he is in support of the ordinance.

David LeGrys, 111 Pokeberry Lane, Pittsboro, NC, stated that it is a pleasure to speak in favor of this ordinance; that the specifications have been tested and are technically sound; that the after hours light reduction policy is critical to address both sides of the issue; that canopy lighting at gas stations is a big issue; that canopy lighting in Chatham County is 2-3 times more bright than surrounding areas; that there is no attempt to eliminate safety lighting; and that this helps to protect rural character.

Commissioner Lucier, on behalf of the Board, thanked Mr. LeGrys for his hard work efforts on the lighting ordinance.

Gloria Davis, 316 Alston Road, Apex, NC, stated that there are concerns from the residents in the area; that cost to homeowners must be considered; that rural lighting does not cause light pollution to other houses because the houses are further apart; that liability increases because people could not see their way; that safety of property is also a concern in rural areas; and that they request that the lighting ordinance continue as a voluntary guideline.

A question and answer period ensued.

Bob Henderson, Progress Energy representative, informed those in attendance of the location of some of the new lights where residents could go to view them. He also explained the specifics between the old light fixtures and the new night cap fixtures.

John Henville-Shannon, 39521 Glenn Glade, Chapel Hill, NC, stated that the ordinance seems to be the right thing to do; that it is a positive approach to taking care of many of the problems; that there seems to be one issue that has not been properly handled which is for an existing or developing community when the look or daytime view and there is a certain style and the community is unified by the style; that the way the amendment reads suggests that any change of the fixture requires that one go to a dark sky fixture, putting everything else in the community out of respect for that; that there seems to be no way to maintain the look of the community if there has to be a fixture replaced or if one has to be added in a developing community; that somehow it has to be embraced what is already there and support it for as long as the fixtures remain the same; that now that is not allowed in the language that is presented in the ordinance; that it seems to him that the community has to be grandfathered as long as it wants to stay that way and guarantee that the companies will support those fixtures, whether the fixture is replaced entirely or whether a few additional poles have to be added to keep the lighting and safety level in the community proper; and that he doesn't believe that it is accommodated in the amendment but that it is essential.

Proposed Text Amendments to the Chatham County Communications Tower Ordinance: Public hearing request by the Chatham County Board of Commissioners to receive citizen input on proposed text amendments to the Chatham County Communications Tower Ordinance to Article II, Permits and Article III, Application Submission and Review Process. The purpose of the amendments is to change the time allowed for construction of a communications tower after the approval of the tower location plan.

David LeGrys, 111 Pokeberry Lane, Pittsboro, NC, stated that this has been a very effective ordinance for the County and has been a model across the state; that he is supportive of the text changes; that there is actually only a six month window in order to build and the pieces are in place now to meet this concern.

The Chairman declared the public hearing closed.

BREAK

The Chairman called for a ten-minute break.

Preliminary Design Approval:

Preliminary Design Approval of "The Glens": Consideration of a request by Community Properties, Inc. on behalf of Hilda McBane for subdivision preliminary design approval of "The Glens" (fka McBane Property Subdivision), consisting of 109 lots on 159 acres, located off SR #1520, Old Graham Road, Hadley Township

Chris Walker, Planning Board Chairman, read the Minority Report and the Majority Report in their entirety.

Dale McBane Brantley, daughter of the Hilda McBane, stated that her parents bought this farm in the early 1960s; that they were mill workers; that her father farmed the land as long as his health permitted; that they never had an employer funded retirement plan; that her father passed away approximately twelve years ago; that he sold some land before he died to supplement their income; that it was his intention to sell the land as needed to supplement their retirement; that her mother's only income is social security which is inadequate; that she is currently supplementing her income with a loan against the property; that debt is mounting and is troublesome to her; that time is important; that her mother hopes that the Board will see fit to approve the plan; that they understand the environmental concerns, but that they feel the developers have met the criteria that was set out.

Nick Robinson summarized the stream issues. He stated that he is confident from a legal standpoint, there is nothing more that can be required of the developer on this project; that the good news is that they have exceeded what is required of them in certain significant aspects.

Mr. Robinson answered questions from the Board.

Cynthia Crossen stated that all the water from the streams flow across their land; that they are very concerned about the sediment and stormwater runoff; that she was happy to hear that two of the three creeks are going to be buffered; and that she would also like to see the third creek buffered.

Commissioner Barnes stated that this is a continuation of the battle that has been fought for the past four or five years; that if the land is disturbed, there is going to be erosion, silt, red clay, and mud; that each of the surrounding developments has been chastised by DENR and the County's soil inspectors; that there will be stormwater drainage and lots of runoff; that there is no way to grade streets and grade lots without having runoff and erosion; that this is compounding all of the mistakes in that area that have been made over the past ten years; that he questions when and where it will stop.

Commissioner Vanderbeck stated that he is a neighbor of the McBane's and appreciates their position; that he is also a neighbor of the Crossen's although he is not adjacent to either of them; that it is a nice community; that when it comes to water quality and what is going to be left to whomever follows, he would prefer that they be left something

of which they will be proud, showing that they were good stewards of the land; that he understands that there has been a lot of work put into the plan; and that he believes that its sketch design was passed by a previous Board.

Commissioner Vanderbeck moved to postpone the matter in order to pursue any other possible options and revisit the matter at the Board of Commissioners' April 16, 2007 meeting. He stated that he appreciated what the developer had voluntarily given with regard to the vegetative buffers, road locations, and increased buffers, etc.

Commissioner Barnes seconded the motion.

Chairman Thompson stated that he is sympathetic to the concerns of the people in the neighborhood with regard to stormwater runoff, erosion, and density; that on the other hand, the Board has established rules and regulations by which it must comply; that when any person, developer or citizen, decides that they want to develop the land, they are depending on the existing regulations; that he feels it is unfair, in mid-stream, to not comply with the law; that they are bound by the law; that it appears to him that the developer has bent over backwards to do some things that they were not required by law to do; that he feels that they are concerned about environmental issues in this neighborhood; that while he is concerned about the density, he is also concerned about standing behind their regulations; that the Board is in the process of trying to change the regulations, but it must go by what currently exists.

Commissioner Cross stated that he took the same oath that the other Commissioners took to uphold the ordinances in place; that the Board is working to change its ordinances, however they are not presently in place; that he had heard from the applicant who has met and exceeded the regulations currently in place; that to deny approval of the project invites a lawsuit which the Board will lose; that he doesn't think there is anymore to get out of the development; and that he doesn't want to put them off without a reason.

Commissioner Lucier stated that the request had not been denied; that everything that the Board is doing is being done according to law; that they are deliberating over the application in a very rigorous way; that they are working with the developer to have it be as good as it can be and as less a threat to the environment as it can be; that everything they are doing, including deferring a decision to the next month, is lawful; that there is nothing unlawful or illegal about it; that it is their obligation to do this to work with the folks to make these developments as good as they can be.

The Chairman called the question. The motion carried four (4) to one (1) with Commissioner Cross opposing.

Sketch Design Approval:

Request for Subdivision Sketch Design Approval of "Arcadia": Consideration of a request by ENT Land Survey, Inc. for subdivision sketch design review of "Arcadia", consisting of 13 lots on 57 acres, located off SR #1536, Lamont Norwood Road and Baldwin Township

As per the Planning Department and Planning Board recommendation, Commissioner Barnes moved, seconded by Commissioner Lucier, to grant sketch design approval of "Arcadia" with the following condition:

1. The preliminary and final plats shall show a dedication of public right-of-way to the adjoining property of Hazel Hine/William C. Partin in a location best determined by the developer and surveyor/engineer (between lots 3 and 4) and shall be provided in a location suitable to meet the NCDOT requirements for construction of a public, state-maintained roadway.

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

Request for Subdivision Sketch Design Approval of “Bailey Property”:
Consideration of a request by Chatham Development Corp. on behalf of Herbert and Anita Patterson Bailey for sketch design approval of “Bailey Property”, consisting of 44 lots on 229 acres located off US Highway #64 West, Hickory Mountain Township

As per the Planning Department and Planning Board recommendation, Commissioner Lucier moved, seconded by Commissioner Vanderbeck, to grant sketch design approval of “Bailey Property” with the following condition:

1. The developer look at the ability to put 10 foot buffers around any currently unprotected wetlands.

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

Request for Subdivision Sketch Design Approval of “Williams Subdivision”:
Consideration of a request by Polk Sullivan, LLC on behalf of James Lowell Williams for subdivision sketch design approval of “Williams Subdivision”, consisting of 10 lots on 54 acres, located off SR #1711, Bynum Ridge Road, Baldwin Township

As per the Planning Department and Planning Board recommendation, Commissioner Lucier moved, seconded by Commissioner Vanderbeck, to grant sketch design approval of “Williams Property” with the following condition:

1. A reservation of a single, sixty foot (60’) private right-of-way shall be designated to the adjoining Pace Family Properties and shown on the preliminary and final plats. The future disposition of said right-of-way is left to the discretion of the owners of the development.
2. A single, twenty foot (20’) utility easement in favor of Chatham County shall be designated to the adjoining Pace Family Properties and shown on the preliminary and final plats.

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

BREAK

The Chairman declared a ten-minute break.

BOARDS AND COMMITTEES

Board of Equalization and Review Appointments: Consideration of a request to appoint/reappoint members to the Board of Equalization and Review by Commissioner Cross

Commissioner Cross moved, seconded by Commissioner Barnes, to appoint Don Overby, 1833 Lydia Perry Road, Bear Creek, NC, to the Board of Equalization and Review. The motion carried five (5) to zero (0).

Chatham Transit Board Appointment: Consideration of a request to appoint two members (a licensed transit provider and a member of the general public) to the Chatham Transit Board by the full-Board

These appointments were deferred until a later date.

Solid Waste Advisory Board Appointments: Consideration of a request to appoint two members to the Solid Waste Advisory Board, one each by Commissioners Cross and Thompson

Commissioner Cross deferred his appointment until a later date

Chairman Thompson deferred his appointment until a later date.

Piedmont Conservation Council Appointment: Consideration of a request to appoint a member to the Piedmont Conservation Council

Commissioner Lucier moved, seconded by Commissioner Cross, to appoint David Klarmann, 380 Hatley Road, Pittsboro, NC, (Chatham County Planning Board's recommendation) to the Piedmont Conservation Council. The motion carried five (5) to zero (0).

MANAGER' S REPORTS

The County Manager reported on the following:

Review Officer:

The County Manager explained that a Review Officer appointment would need to be made in the absence of the Tax Administrator.

Commissioner Barnes moved, seconded by Commissioner Lucier, to adopt **Resolution #2007-13 Appointing Review Officer**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

North Carolina Association of County Commissioners:

The North Carolina Association of County Commissioners' District Meeting will be held on April 10, 2007 at the Southern Human Services Center, Chapel Hill beginning at 10:00 AM.

COMMISSIONERS' REPORTS

One Percent Land Transfer Tax Resolution:

Commissioner Cross moved, seconded by Commissioner Barnes, to adopt **Resolution #2007-14 Seeking Legislative Approval of HB153 or HB711 Authorizing Chatham County the Referendum Authority to Seek One Percent Land Transfer Tax**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Western Transmission Mains:

Commissioner Lucier moved, seconded by Commissioner Barnes, to approve Western Transmission Mains, Contract 1, in the amount of \$6,031,795.00 and Contract 2 in the amount of \$3,356,515.00 awarded to Hall Contractors. The motion carried five (5) to zero (0).

Contract 1, Contract 2, bid summaries, spreadsheet, and map showing the location of the project are attached hereto and by reference made a part hereof.

Bid for Tank:

The bid for the tank is still in negotiation and will come before the Board sometime in the future.

Economic Development Plan:

Commissioner Vanderbeck moved, seconded by Commissioner Cross, to award the bid for the Economic Development Plan to UNC Kenan-Flagler Business School and the UNC Center for Competitive Economies (The University of North Carolina at Chapel Hill) in the amount of \$154,000.00. The motion carried four (4) to one (1) with Commissioner Barnes opposing.

EDC Appointments:

Commissioner Lucier asked that appointments to the EDC Board be scheduled for the first meeting in April.

CLOSED SESSION

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

REGULAR SESSION

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

Silk Hope Water Line:

The County Manager asked that the Board consider approving a change order for the Silk Hope connection at the Rocky River.

Commissioner Cross moved, seconded by Commissioner Barnes, to approve the work for the Silk Hope connection at the Rocky River in the amount of \$284,740.00. The motion carried five (5) to zero (0). (Chairman Thompson abstained from voting.)

ADJOURNMENT

Commissioner Vanderbeck moved, seconded by Commissioner Cross, to adjourn the regular meeting. The motion carried five (5) to zero (0), and the meeting was adjourned at 9:44 PM.

Carl Thompson, Chairman

ATTEST:

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