

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
DECEMBER 18, 2006

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 December 18, 2006.

Present: Chairman Carl Thompson; Vice Chair, George Lucier; Commissioners Patrick Barnes, Mike Cross, and Tom Vanderbeck; County Manager, Charlie Horne; County Attorney, Robert L. Gunn; 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 6:05 PM.

- **AGENDA AND CONSENT AGENDA**

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

Commissioner Lucier asked that Consent Agenda Item #18, Recreation Advisory Bylaws, be amended as follows:

Consideration of a request that the Recreation Advisory Board revise the bylaws to add the President of the Chatham Parks Foundation as an additional member to the Recreation Advisory Board and to review the bylaws and make recommendations for other changes

Commissioner Lucier moved, seconded by Commissioner Vanderbeck, to amend Item #18 on the Consent Agenda as requested. The motion carried five (5) to zero (0).

Commissioner Barnes called everyone’s attention to Item #3, the Southwest Park Picnic Shelter with Bathrooms Bid Award. He stated that the Southwest Park picnic shelter with bathrooms was something that Commissioner Cross and he started preaching about two years ago and that there are now bathrooms, a concession stand, and a shelter for the County’s only park.

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

1. **Minutes:** Consideration of a request for approval of Board Minutes for regular meeting held December 04, 2006

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

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

- A. Will Harris Place

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

3. **Southwest Park Picnic Shelter with Bathrooms Bid Award:** Consideration of a request to award bid for Southwest Park picnic shelter with bathrooms to William B. Webster Construction in the amount of \$92,000.00. The bid tabulation is attached hereto and by reference made a part hereof.

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

4. **Funds Acceptance for Chatham County Health Department:** Consideration of a request to accept funds in the amount of \$180.00 from North Carolina Circle of Parents Network

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

5. **Funds Reduction for Chatham County Health Department:** Consideration of a request to accept reduction of budget in the amount of \$26,802.00 from the Family Outreach & Support Services

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

6. **Request for Subdivision Preliminary Approval of “Pennington North Subdivision, Phase I, Lots 1, 2, 16, 17 and 18”:** Consideration of a request by Dan Sullivan for subdivision preliminary approval of “**Pennington North Subdivision, Phase I, Lots 1, 2, 16, 17, and 18**”, consisting of five (5) lots located off SR-1716, Big Woods Road, New Hope Township

As per the Planning Department and Planning Board recommendation, preliminary approval of “Pennington North, Phase I, Lots 1, 2, 16, 17, and 18 were granted as submitted.

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

7. **Request for Subdivision Preliminary and Final Approval of “Governors Village Townhomes, Phase Three”:** Consideration of a request by Governors Village Commercial, LLC for subdivision preliminary and final approval of “**Governors Village Townhomes, Phase Three**, consisting of 14 blocks to be further subdivided into 76 residential townhome lots, located off SR #1847, Moring Drive Extension, Williams Township

As per the Planning Department recommendation, the road names *Christopher Drive, Daughtridge Drive, Philpott Drive, and Perdue Drive* and preliminary and final plat approve of “Governors Village Townhomes, Phase Three” were granted with the following condition:

1. Language changes as specified in attachment #7 shall be added to the Mylar copy of the final plat.

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

8. **Appointment to the Human Relations Committee:** Consideration of a request to appoint Margie Ellison, 11538 NC Highway #902, Bear Creek, NC, to the Human Relations Committee by Commissioner Cross

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

9. **Appointment to the Human Relations Committee:** Consideration of a request to appoint Jan Nichols, 148 Fairfield Road, Moncure, NC, to the Human Relations Committee by Commissioner Vanderbeck

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

10. **Appointment to the Human Relations Committee:** Consideration of a request to appoint Tracy Hanner, 4320 Bonlee-Bennett Road, Bear Creek, NC, to the Human Relations Committee by Commissioner Lucier

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

11. **Appointment to the Mid-Carolina Workforce Board:** Consideration of a request to approve the Economic Development Corporation recommendation to appoint Randy Voller to the Mid-Carolina Workforce Board

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

12. **Economic Development Corporation By-Laws Changes:** Consideration of a request to approve the by-laws changes proposed by the Economic Development Corporation to increase the size of their board from eleven (11) members to thirteen (13) members and consideration of a request to change the number of members needed to make a quorum from six to five members. The two new positions are to be appointed by the Board of Commissioners.

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

13. **Commissioner Appointment to the Partnership for Children:** Consideration of a request to appoint Commissioner Lucier as the Board of Commissioners' appointment to the Partnership for Children

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

14. **Reappointment to the Solid Waste Advisory Board:** Consideration of a request to reappoint Doug Carver, 1940 Whippoorwill Lane, Chapel Hill, NC, to the Solid Waste Advisory Board by Commissioner Barnes

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

15. **Request to Accept Grant for Biodiversity Project:** Consideration of a request to accept a Smith Richardson Foundation grant in the amount of \$35,000.00 for biodiversity project

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

16. **Memorandum of Understanding:** Consideration of a request to sign a new Memorandum of Understanding (MOU) between Chatham County and North Carolina cooperative Extension, attached hereto and by reference made a part hereof.

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

17. **Establishment of a Major Corridor Ordinance Task Force:** Consideration of a request to establish a Major Corridor Ordinance Task Force, attached hereto and by reference made a part hereof.

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

- ~~18. **Recreation Advisory Bylaws:** Consideration of a request for an amendment to the Recreation Advisory Bylaws to add the President of the Chatham Parks Foundation as an additional member to the Recreation Advisory Board and to review the bylaws and make recommendations for other changes~~

See changes above as per Commissioner Lucier's request.

18. **Recreation Advisory Bylaws:** Consideration of a request that the Recreation Advisory Board revise the bylaws to add the President of the Chatham Parks Foundation as an additional member to the Recreation Advisory Board and to review the bylaws and make recommendations for other changes

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

19. **Appointment to the Recreation Advisory Board:** Consideration of a request to appoint Don Lein, President of the Chatham Parks Foundation, to the Recreation Advisory Board

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

END OF CONSENT AGENDA

PUBLIC INPUT SESSION

Alice Yeaman, 633 Rock Rest Road, Pittsboro, NC, stated that she received a letter over the weekend about some developments that were approved in November; that she hopes that the new Board will have an opportunity to reconsider it; that she wanted to point out that the new development, "The Bluffs, Phase I" received preliminary approval in November; that it is basically a development of three acre lots in an area that is zoned RA-5; that developers would sit at the table and make up the five acre average in the rest of the development; that they were not planning to do that until 2011; that they feel as though this approval was made too hastily and that proper consideration was not given to the zoning; and that she hopes that at some point the Board of Commissioners could revisit the issue and reconsider their position.

Charles Allen, 234 Rocky Falls, Sanford, NC, stated that he was a member of the Friends of the Rocky River; that he would like for the Board to know that the draft natural pollution discharge (NPD) permit for Siler City will be issued during the second week of January; that some of the Friends of the Rocky River will appear at the January 02, 2007 and January 16, 2007 Board of Commissioners' meetings to comment on the current status of the permit; that the Friends would like the Board to provide input during the Public Input Session.

Peter Theye, 1065 Boothe Hill Road, Chapel Hill, NC, stated that it is a real pleasure to address the Board and that he thinks this Board is going to make a great team. He stated that the County has students in its schools that have lunch from 9:30 AM to 1:30 PM because the cafeterias are so crowded; that more students can be housed in trailers, but the school core size is inadequate for the population it holds; that the last time he addressed the Board of Commissioners in November, Commissioner Outz said that the student population in the County has not changed for the eight years he was on the Board; that his perception of the fact is so wrong; that the student population this year is 7,640, in 2004-05 student

population was 7,344; that the County grew at a rate of 87 students a year, which equates to between three or four new classrooms annually.

He stated that he is tired of banging his head against the wall when bringing facts like these to people who do not listen; that he is hoping that this is the Board of Commissioners that will do something about it; that for starters, the Board must pass an ordinance requiring that builders of subdivisions must possess a letter from the Board of Education stating that adequate capacity exists in the schools for the students these developments will produce; that for the developments already completely approved, the Board must have tools available that can persuade developers to be better neighbors; that things such as slowing inspections and tighter enforcement of existing rules raises the hurdle higher and will certainly get their attention; that he understands that the Planning Director may be working on some draft ordinances, one of which he believes addresses impacts of development on Native American artifacts or sites with potential historical significance; that he strongly supports this work; that Indian arrowheads and possible gravesites have been found in the area of Westfall and Lystra Road Subdivision; that to not protect these sites should be a crime; that he is worried that little to no enforcement of conditions on Conditional Use permits is occurring; that Condition #7 of the permit for Westfall states that a spring survey for species must be completed by the developer prior to destruction of habitat; that during the Board of Commissioners meeting in November, Commissioner Morgan asked the Planning Director if they had violated the condition; that he failed to answer the question; that he has walked the property and they have destroyed the habitat; that he wonders what the Planning Department is doing about it; that they should fine them and hold them to the standard that was set; that the recent walk that occurred on the Board of Education land adjoining the Westfall development brought to light that the development had impacted the Board of Education's land negatively; that Westfall has also placed silt fencing within the stream buffer; that this is another violation of the permit; that he hears that the developer thought the buffer was measured from the center of the stream; that this is untrue; that it is time for another fine; that developers are not children; and that he wonders why they are being treated so gently while they tear up our County.

Allison Weakley, 311 Boothe Hill Road, Chapel Hill, NC, stated that as a biologist, she would like to introduce the Board to the Herndon Creek Conservation Project, a grassroots effort her community began earlier this year to protect water quality and wildlife habitat in the Herndon Creek watershed. She stated that The Herndon Creek Conservation Project is a collaborative effort between private landowners and the NC Ecosystem Enhancement Program (EEP) to help protect water quality in Herndon Creek and ultimately Jordan Lake; that this project brings together private landowners who are interested in voluntarily donating permanent conservation easements and the NC Ecosystem Enhancement Program (EEP), a State agency interested in accepting the donations as part of their high quality preservation program; that the mission of the NC EEP (<http://www.nceep.net/>) is to "restore, enhance, preserve, and protect the functions associated with wetlands, streams, and riparian areas..." throughout North Carolina; that the EEP provides projects to improve and protect watersheds, compensation for unavoidable impacts from development, and detailed watershed planning and project implementation within NC's threatened or degraded watersheds; that The Herndon Creek watershed is bounded by US #15-501 to the west, Lystra Road to the north, Jack Bennett Road to the south, and Jordan Lake to the east; that Herndon Creek, along with Cub Creek, Bush Creek, Beartree Creek, Parkers Creek, and other unnamed tributaries form the northwest arm of Jordan Lake; and that the NC Natural Heritage Program (NHP) designated two Significant Natural Heritage Areas (SNHAs) in the Herndon Creek watershed in 1992 - Boothe Hill SNHA, which serves as important wildlife habitat, especially for area-sensitive species that require mature upland forests, and Herndon Creek Ravine SNHA, which serves as an important wildlife corridor between uplands and the Jordan Lake lowlands.

Ms. Weakley stated that Jordan Lake is the most important wildlife habitat in the Triangle region, and is considered a nationally significant Important Bird Area (IBA) by the Audubon Society; that Bald Eagles are known to nest in the wetlands of Bush Creek; that not only is the Herndon Creek area known for its high quality wildlife habitat, its water quality is also outstanding; that she has sampled water quality in Herndon Creek for the Haw River Assembly and found that the aquatic species diversity is outstanding - the stream is rated as Excellent, the highest water quality rating available; that like many of

the small watersheds that drain to the northwestern arm of Jordan Lake, the Herndon Creek watershed is relatively small and topography can be steep; that unlike the others, however, Herndon Creek is in excellent condition - from its water quality to its natural communities and wildlife habitat; that this is the last watershed in the northwestern arm of Jordan Lake that is not significantly impacted by commercial or residential development; that the excellent water and wildlife habitat quality should not be too surprising, given the current and past land uses in the area; that much of the watershed is comprised of large undeveloped parcels and large lot development (5-10 acre lots); that the Chatham County Board of Education property also lies within this watershed near its confluence with Bush Creek and Jordan Lake; that the Booth Mountain or Westfall development is the only high density development in the watershed, and construction there is just beginning; that many of the landowners within the Herndon Creek watershed recognize the significance of the area for wildlife habitat and water quality, and are willing to donate conservation easements to show their commitment to protecting this watershed in perpetuity; that a total of fifty-two (52) parcels have been initially identified as having perennial streams within or adjacent to their boundaries within the Herndon Creek watershed; that since they began the project earlier this year, they have received agreements from the landowners of thirty-three (33) parcels (64%); and that they expect even more landowners to agree to site assessments in the coming months.

She further stated that the EEP staff has conducted site feasibility assessments during two site visits so far - one in August 2006, and another in December 2006 - and are extremely interested in this project; that they anticipate holding a meeting for landowners within the watershed in January 2007 to discuss the next steps in the process; that because the EEP recognizes the high quality of the Herndon Creek watershed, they have made this project a priority in their work schedule, and are also interested in using Herndon Creek as a reference stream for their restoration and preservation work in the Piedmont.

Ms. Weakley invited each Board member to take a tour of the Herndon Creek watershed, to see for themselves the high quality of this area. She encouraged the Board to consider the importance of Herndon Creek watershed for wildlife habitat and water quality in County planning efforts. She stated that this project is an exciting example of what is possible in Chatham County when planning and partnerships converge to protect and preserve the best of the natural resources in Chatham County; and that she would be happy to discuss this project with the Board in more detail, and would be delighted to answer any questions.

BOARD OF COMMISSIONERS' MATTERS

Report on North Carolina Department of Environment and Natural Resources (NCDENR): Presentation of a report on NCDENR by Commissioner Barnes

Commissioner Barnes stated that on December 14, 2006, the following Chatham County representatives, Mike Cross, Patrick Barnes, Charlie Horne, Roy Lowder and Ray Greenlaw, plus two representatives of Hobbs Upchurch & Associates Engineers, Fred Hobbs and Adam Kiker, met with Mike Templeton, Matt Matthews, Peter Caldwell, Gil Vinzani and Bob Sledge, DENR representatives.

He stated that the purpose of the meeting was to obtain a wastewater discharge allocation for Chatham County; that they were told that the Pittsboro allocation is four (4) million gallons per day (mgd) with a current use of 450,000 mg; that approved residential development in Pittsboro is estimated at two (2) mgd; that Preston Development is estimated at one (1) mgd; that this totals 3.4 mgd; which translates to little left for future economic development; that Pittsboro has to be off of Robeson Creek by the year 2011, which will require a new plant at the cost of 30-40 million dollars; and that this four (4) mgd completes discharge allocations for Haw River/Jordan Lake; that the Cape Fear River Basin below Moncure has a maximum allowable discharge rate of 38 mgd; and that the Western Wake Partnership (Cary, Morrisville, Apex and Holly Springs) is allocated thirty-eight (38) mgd for their new wastewater treatment plant to be built in New Hill and piped through Chatham County for discharge into the Cape Fear River below the Buckhorn Dam.

He further stated that with the Haw River/Jordan Lake discharge allocations complete and the Cape Fear River discharge allocations below Moncure complete, the County has only a relatively short stretch of the Deep River below the Rocky River to consider; that in the absence of a model, the DENR best guess allocation is "...

about 750,000 gpd... certainly less than 1 mgd; that if something can not be worked out for a significant discharge allocation, the County's hopes for a County regional sewage system appears to be a pipe dream and its economic development will surely continue to suffer; that he realizes that the "first hog to the trough" usually gets the most, but he doesn't usually get it all!...and anyone could certainly criticize Chatham for lagging behind the reality of growth, but that he strongly resents the fact that the total Cape Fear River discharge allocation has been earmarked for Western Wake Partnership without any discussion with or consideration for Chatham County. He lamented that this is probably the biggest disappointment that he has encountered during his two years in office.

Resolution Honoring the Service of Robert L. Gunn: Consideration of a request to adopt a **Resolution Honoring the Service of Robert L. Gunn to Chatham County**

Chairman Thompson read the resolution in its entirety and presented a plaque to Mr. Gunn for his thirty-three years of service to Chatham County.

Commissioner Barnes moved, seconded by Commissioner Lucier, to adopt **Resolution #2006-78 Honoring the Service of Robert L. Gunn**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Resolution Honoring Jordan Matthews Women's Tennis Team: Consideration of a request to adopt a **Resolution Honoring Jordan Matthews Women's Tennis Team**

Chairman Thompson read the resolution in its entirety.

Commissioner Lucier moved, seconded by Commissioner Vanderbeck, to adopt **Resolution #2006-79 Honoring Jordan Matthews Women's Tennis Team**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Resolution of Appreciation to Terrell Ellington for His Service to Chatham County: Consideration of a request to adopt a **Resolution of Appreciation to Terrell Ellington for His Service to Chatham County**

Chairman Thompson read the resolution in its entirety.

Commissioner Lucier moved, seconded by Commissioner Cross, to adopt **Resolution #2006-80 of Appreciation to Terrell Ellington for His Service to Chatham County**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

PRESENTATION

2008 Census Dress Rehearsal: Presentation on the 2008 Census Dress Rehearsal by Ms. Helen Smith

Helen Smith, stated that she represented Chatham County as the Recruiting Assistant for the United States Census Bureau. She thanked the Board for allowing her to speak about the employment opportunities available in the upcoming 2008 US Census Dress Rehearsal. She stated that this dress rehearsal, like a practice, will ensure an accurate and cost effective 2010 decennial census, because they are conducting an operational trial of the processes and procedures that make up a census; that Chatham County was selected, along with eight other North Carolina counties, to participate in the 2008 Census Dress Rehearsal; that being chosen is a privilege, as well as an economic boost for the County due to the number of jobs that will be filled locally; that it is her responsibility to promote the job opportunities that are available to the residents of Chatham County and to recruit a sufficient number of applicants from among those living in Chatham County to ensure a successful dress rehearsal in 2007 and 2008; that the households in Chatham County number about 24,500; that in order to efficiently manage the operations taking place in the County, the Census Bureau will need to hire approximately 300 workers; that when one works in a Census, they will be gaining many valuable job skills such as organization, reading maps,

preparing detailed forms, conducting interviews while interpreting and recording responses, dealing with unusual situations, and using reasoning and decision making skills to solve problems; that it is fun; that they will meet new people and find new places; that all Census jobs are temporary, but being in the applicant pool now can provide you a job for four years—two years completing the dress rehearsal and two years completing the decennial—and the hours vary according to when those hired are available to work; and that they may choose to work only mornings or afternoons or evenings, or mix it up as to when they are available each day—and they can work up to 40 hours a week.

She stated that they are hiring for the positions of Census Takers, who are sometimes referred to as enumerators, and Crew Leaders; that each Census Taker will work in their own neighborhood and community locating households, updating addresses and collecting data for the surveys; that a Census Taker earns \$11.50 per hour; that the Crew Leaders will train, supervise and review the work of a team of Census Takers by meeting with each of their team daily; that Crew Leaders earn \$13.50 per hour; that all the positions receive paid training, mileage reimbursement of 44 ½ cents per mile, and are paid weekly; that it is really easy to apply for these jobs; that all one needs to do is call the toll free dress rehearsal hotline (1-866-673-2008) and get information about when and where applicant sessions are being held; that when one attends a session, they will complete an application, present identification documents to prove employment eligibility, and take a written employment test consisting of 28 multiple choice questions covering skills such as basic arithmetic and reading, following instructions, and map reading; that they will begin hiring in two months, in February 2007, so it is very important for them to apply right away to get enrolled in an upcoming session; that a successful census will depend on each and every one doing their part; that it is important to remember the economic benefit these jobs offer to the County, as they don't want workers from other counties earning the pay that residents of Chatham County were meant to receive; and that she is enlisting the Board's help now to consider becoming an applicant in the Chatham County 2008 Census Dress Rehearsal and sharing the good news about these job opportunities with their family, friends and co-workers.

PLANNING AND ZONING

Subdivision Sketch Design Approval of “Parker Springs Subdivision”: Consideration of a request by RLA Development Company, LLC on behalf of Chatham Land & Timber for subdivision sketch design approval of “**Parker Springs Subdivision**”, consisting of 50 lots on 87 acres, located off SR #1700, Mt. Gilead Road, New Hope and Williams Townships

Kevin Flynn, 258 Canopy, Pittsboro, NC stated that he and his wife live adjacent and downhill from the proposed subdivision; that he is concerned that the subdivision will not be isolated from his home and from Parkers Creek by large linear distances of soil; that in its undeveloped state, that water rushes off of the land onto his lot; that there is a great deal of vertical drop on his property alone, around 140 feet; and that there is significant gully wash that happens during heavy rains. He further stated that he is concerned that the proposed density seems out of synch with surrounding developments; that he accompanied the soil evaluator from the County as he took soil samples on his property and it took some time to get a field and a reserve field approved; that it doesn't make sense that the land for Parkers Springs to be so different from his adjacent land; that he is concerned that decisions made on little information and based on a presumption that adherence to the subdivision standards is good enough – will lead to a problem that won't be recognized until the developer has moved on; and that this means that homeowners, without special skills or resources, may be left with a problem that cannot be easily solved once the subdivision has been built.

He stated that he is concerned for Parkers Creek; that it is a special area with a variety of wildlife that would be disturbed; that the creek is downhill from his own home and much of the proposed Parkers Springs; that he understands that run off may be harmful for Parkers Creek and Jordan Lake; that he would like to see a comprehensive environmental assessment made before the project gets so far that no

one can stop it or change it; and that if the developer needs to have 50 houses to make the numbers work but that cannot be done without damaging Parkers Creek, then maybe this is not the right development for that land. He further stated that a late breaking development was the generous offer by the developer to do his own environmental impact assessment; that while having the developer do an environmental assessment is good, it pales in comparison with an independent assessment; that the assessment would still be subject to the problem that having the same people make the plan and the assessment means that the assumptions and methods used to make the plan would be used to make the assessment; that this does not rise to the gold standard of a truly independent second opinion; that he doesn't want to come across as someone that is against all development; that they built a house on their land and are trying to coexist with the animals and Parkers Creek; that they believed it would be possible to do so on the land adjacent to them; that he suspects that a subdivision that is created with lots large enough to support their own septic (primary and reserve fields) along with suitable protections for Parkers Creek would be a welcome addition to the neighborhood.

Commissioner Barnes moved, seconded by Commissioner Lucier, to table this item. The motion carried five (5) to zero (0).

Request to Rezone Acreage off Old US #1 in New Hill: Consideration of a request by **Hardip S. Dhillon** to rezone approximately 4 acres off Old US #1 and new US #1, New Hill, Cape Fear Township from RA-40 to B-1 to be combined with his current B-1 property

Commissioner Cross stated that he knows Mr. Dhillon very well in business; that he is a good community businessman; that the neighbors do not object to what he is doing; that it would help the industrial area; that there is a tremendous amount of traffic through the area; that he would like to enlarge the store by twice its current size; that this is only one of three stores in south Chatham; that the citizens depend on his business frequently; and that he hopes the Board will look favorably upon his request.

As per the Planning Department and Planning Board recommendation, Commissioner Barnes moved, seconded by Commissioner Cross, to adopt **An Ordinance Amending the Zoning Ordinance of Chatham County**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Request for Revision to Existing CU-PUD Permit for Cole Place: Consideration of a request by Greg Isenhour for a revision to an existing CU-PUD Permit for **Cole Place**, located off Plaza Drive (Private), Williams Township to add an additional 16 town homes to the existing 60 town homes already constructed

As per the Planning Department and Planning Board recommendation, Commissioner Barnes moved, seconded by Commissioner Lucier, to adopt **Resolution #2006-81 Approving An Application for a Revision to a Conditional Use Permit Requested by Greg Isenhour**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Request for Proposed Text Amendment to Flood Damage Prevention Ordinance: Consideration of a request for proposed text amendments to the Chatham County Flood Damage Prevention Ordinance to comply with the minimum criteria of the National Flood Insurance Program. The amendments include the incorporation of revised Flood Insurance Rate Maps (FIRMs) for Chatham County that will become effective on February 2, 2007.

As per the Planning Department and Planning Board recommendation, Commissioner Lucier moved, seconded by Commissioner Barnes, to adopt **An Ordinance Amending the Flood Damage Prevention Ordinance of Chatham County**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Public Hearing:

Moratorium Ordinance Revision: Public hearing to receive public comments on a request by the Chatham County Board of Commissioners for a revision to the Chatham County Moratorium Ordinance to amend Section 7, Exemptions of Ordinance, to remove sketch design from the list of exemptions

Frank Thomas, 20 West Colony Place, #180, Durham, NC, with the Homebuilders Association of Chatham, Orange, and Durham Counties, reiterated that the already approved projects would not be affected by this; that sketch design in Chatham County is extensive and is virtually the same thing as preliminary as listed in the State ordinance; that this is a totally appropriate exception; that he is certain that there are some landowners in the County that are interested in keeping that exception new; that the Homebuilders Association truly believes that this is, as written, fair and equitable to landowners in the County; and that no change is necessary.

Syd Alexander, 510 Monroe Street, Chapel Hill, NC, attorney, stated that his client is already in sketch design; that as a trial lawyer, this is a unique process in Chatham County; that this ordinance is well-written and serving the intent; that the problem is that the County is opening itself up to lawsuits; that his client has made substantial expenditures to invest in this process; that this is peculiar and lots of pressure in Chatham; that to take out the exceptions would be opening up the County to potential problems; and that if it is changed, "special permit" should be omitted.

Gretchen Smith, 598 Jones Branch Road, Chapel Hill, NC, stated that she and her husband are property owners in Chatham County; that she supports the revision to the Chatham County Moratorium to remove sketch design from the list of exemptions; that the sketch design phase requires only limited information from the applicant: plat with topo of property, one-page application with complete adjacent owner addresses, soil scientist report and soil map, confirmation from the Chatham County Historical Association, and notice of meeting mailed to adjacent property owners fourteen days prior to meeting. She stated that due to the limited amount of information required of applicants, she believes sketch design phase should be removed from the list of exemptions.

Jeffrey Starkweather, 590 Old Goldston Road, Pittsboro, NC, stated that Senate Bill #814 passed in 2005 was called "The Act to Modernize and Simplify City and County Planning and Land Use Management Statutes"; that at the time, he was working for the State as an attorney and was covering the State Legislature and had to keep up with the bill; that it had approximately eight revisions; that the bill was originally submitted by the NC Planners Association; that as the bill went to the Legislature, the NC Homebuilders Association and the Realtors Association, two of the most powerful lobbyists, made sure that this bill met their requirements; that on their own web site, when the bill was passed, they said that this bill fit exactly the interests of their constituents; that he thinks it is interesting how many times that developer attorneys have come before the Board of Commissioners and said that the Board could rely on the State Statutes; that in this case, they want to have something stricter to protect their interests; that he has heard talk of the County's sketch design being similar to other counties preliminary plats yet he has heard no specifics; that looking at the County's Subdivision Ordinance, Section 5.1.D, it shows what is actually required; that the location of the property in relation to other properties, boundary lines, approximate acres to be divided, the location of streets, and the lots in any recreation areas are covered; that in terms of the issue about law suits and the potential for law suits, he feels that once the ordinance has been passed, all potential property owners and attorneys that are coming before the Board, particularly if there was a Moratorium Ordinance, say that what is going to be proposed in having a public hearing on it, all of those people would be under notice that this is coming along and certainly couldn't fall under the condition that they made expenditures under the assumption that they are going to be able to proceed through; that the State Statutes have plenty of protections, no conditional use is covered under this; that in the County's case, it only covers subdivision sketch design; that there is no environmental impact under sketch design; that he thinks that the language in the State statute and the County's own Subdivision Ordinance uses the word "accepted" so in order to be consistent, he feels the County should change it to "accepted".

Frank Thomas, pointed out that the County's planning staff, attorney and the NC Institute of Government all agree that this exception is appropriate and that the ordinance is correctly written. He stated that making the recommended change would allow affected land owners to challenge their position in court, and that he thinks the change would be an unnecessary risk.

The Chairman closed the public hearing.

MANAGER' S REPORTS

The County Manager had no reports.

COMMISSIONERS' REPORTS

Commissioner Lucier stated that at the November 20, 2006 Board of Commissioners' meeting, a Project Ordinance Concerning the Harnett County Interconnect Project was approved; that he is proposing an amendment to that ordinance; that Section 2 reads: The County Manager is hereby directed to proceed with the capital project with the authority to sign all contracts and change orders within the terms of the budget contained herein; that he proposes to add the phrase: Subject to Board of Commissioners' approval; that the proposed Section 2 would read: The County Manager is hereby directed to proceed with the capital project with the authority to sign all contracts and change orders within the terms of the budget contained herein subject to Board of Commissioners' approval; that this would allow the information to explicitly be made public and also be made explicitly known to the Board of Commissioners.

Commissioner Lucier moved, seconded by Commissioner Vanderbeck, to add amend the Project Ordinance Concerning the Harnett County Interconnect Project, Section 2 to read: The County Manager is hereby directed to proceed with the capital project with the authority to sign all contracts and change orders within the terms of the budget contained herein subject to Board of Commissioners' approval; that this would allow the information to explicitly be made public and also be made explicitly known to the Board of Commissioners.

Commissioner Barnes asked for clarification of the amendment.

Commissioner Lucier explained that as it now stands, the County Manager has the authority to sign all contracts related to the Harnett County project without the Board's explicit knowledge or approval; that he is asking, as a new Commissioner, he would like to have it subject to the Board of Commissioners' approval; that whenever \$12.6 million of public funds are expended, he would like to know about it and voice his opinion.

Commissioner Barnes stated that this had already been voted on by the former Board of Commissioners. He asked if Commissioner Lucier was trying to stop the expenditure of the funds.

Commissioner Lucier stated that he wanted to be in a position of knowing when the funds were spent; that he wants to be in the "loop"; that Chatham County's total budget is approximately \$65 million; and that this is approximately twenty percent of the budget.

Commissioner Barnes stated that before that was done, he would like to know if what is being proposed is legal.

The County Attorney stated that the provisions of Section 2 of the Harnett County Interconnect Project state that the County Manager "is hereby directed to proceed with the capital project with the authority to sign all contracts and change orders within the terms of the budget contained herein"; that he thinks that if the Board adds the proviso that Commissioner Lucier has suggested, that the Board says "yes" by directing him to do it, but then they're adding "subject to my approval"; and that he is asking if the Board is giving the County Manager the authority to do it or is the Board reserving taking away his

authority to do it; that he feels that is what needs to be addressed.

Commissioner Lucier stated that he had no problem with the County Manager signing the contracts and change orders, but that he simply wants to approve them. He stated that he simply wanted to add "subject to the Board's approval".

Commissioner Barnes stated that he felt that was a problem and that he thought the legal department needed to check it out; that it would entail the Board taking something that had already been approved and changing it; and that he didn't feel the Board had the authority to do it.

Commissioner Lucier stated that Attorney Rose had said that it was a perfectly legal thing to do.

Commissioner Barnes stated that he didn't like to be blindsided; that he didn't like someone sticking something in front of him at the end of a meeting requiring immediate action; that the Board has just seen it; that if the Board wanted to vote on it at the next meeting, it would be fine, but that he would not support it at the night's meeting without prior knowledge.

Chairman Thompson suggested that the matter be tabled to allow further legal input.

Commissioner Lucier asked if they had the County Manager's assurance that he would not sign any contracts without the Board's knowledge or approval.

The County Manager stated that, as a professional manager, it is customary practice to report such matters whether required or not.

Commissioner Lucier stated that he would agree to table the matter, but that he would like to vote on it at the next meeting.

Commissioner Barnes stated that he wanted to see a written statement from the County Attorney that it was legal and that if there is any backlash, they would be responsible.

The Chairman declared that the matter was tabled until there was additional review from the legal staff.

Public Hearing:

The Planning Director asked if the night's public hearing on the Chatham County Board of Commissioners for a revision to the Chatham County Moratorium Ordinance to amend Section 7, Exemptions of Ordinance, to remove sketch design from the list of exemptions needed to be returned to the Planning Board for consideration.

After further discussion, Commissioner Barnes moved, seconded by Commissioner Cross, that the Chatham County Moratorium Ordinance be put on the January 16, 2007 Board of Commissioners' agenda. The motion carried three (3) to two (2) with Commissioners Lucier and Vanderbeck opposing.

ADJOURNMENT

Commissioner Barnes moved, seconded by Commissioner Cross, to adjourn the regular meeting. The motion carried five (5) to zero (0), and the meeting was adjourned at 8:17 PM.

Carl Thompson, Chairman

ATTEST:

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