

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
MAY 19, 2008

The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met in a recessed regular meeting in the Superior Courtroom, 1 Hillsboro Street, located in Pittsboro, North Carolina, at 6:00 PM on May 19, 2008.

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

INVOCATION AND PLEDGE OF ALLEGIANCE

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

CALL TO ORDER

The meeting was called to order by the Chairman at 6:05 PM.

AGENDA AND CONSENT AGENDA

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

1. **Minutes:** Consideration of a request for approval of Board Minutes for regular meeting held May 05, 2008, work session held May 05, 2008, and joint Board of Commissioners and Planning Board meeting held May 12, 2008

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

2. **Tax Releases and Refunds:** Consideration of a request to approve tax releases and refunds

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

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

A. Hoco chic Forest B. Oak Leigh Drive

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

4. **Chatham County Housing Authority Board Reappointment:** Consideration of a request to reappoint Betty Wilson to the Chatham County Housing Authority Board by the full Board

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

5. **Environmental Review Board Appointment:** Consideration of a request to appoint Catherine Bollinger to the Environmental Review Board by Commissioner Cross

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

6. **Environmental Review Board Appointment:** Consideration of a request to appoint Martha Girolami to the to the Environmental Review Board by Commissioner Thompson

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

7. **Voting Equipment Declared as Surplus:** Consideration of a request to declare certain items of voting equipment as surplus property and authorize disposal of said equipment by private negotiation and conveyance to other governments

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

END OF CONSENT AGENDA

PUBLIC INPUT SESSION

Emanuel Diliberto, 586 Valley Lane, Pittsboro, NC, stated that he was unable to attend the last regular meeting on May 5th when the Board voted to approve the preliminary plat for the Parker Springs Subdivision; that the action by the Board was taken even though both the Planning Board and the ERB recommended denying the request; that the ERB met on April 24th after reviewing the environmental assessment document including the Addendum and once again unanimously voted to disapprove of the preliminary plat; and, that he was disappointed to learn of that outcome and would greatly appreciate an explanation for the vote of the Board of Commissioners to approve the development of that subdivision.

Mr. Diliberto stated that the Board did recommend several modifications and/or contingencies as part of the approval of the preliminary plat to move forward; he asked was there a mechanism in place for the Monterrane POA to review those modifications to ensure they were consistent with their concerns for protection of their environment and water quality including erosion control measures, such as Monterrane had in its restrictive covenants; that they would like an opportunity to oversee issues such as steep slopes, design of road culverts for creeks, and meaningful buffer areas/setbacks on the perimeter bordering the Monterrane Subdivision; and, asked what the details were of the Green Building Initiative and how would compliance be enforced and certification verified.

Mr. Diliberto asked would the outdoor lighting section of the Chatham County Zoning Ordinance be enforced in the Parker Springs development, ensuring a reduced level of light pollution and glare on adjacent properties; and, when could they expect a change in the review process such that approval of a sketch design, which occurred before an environmental assessment report, did not imply that preliminary plat approval was imminent.

Chairman Lucier stated that there were likely about 15 to 16 changes in the original sketch design and preliminary plat that had been approved; that they all related to minimizing the environmental problems that might be associated with the development; that Fred Royal, the County's Director of Environmental Resources, had put together a list of those items; and, suggested that Mr. Diliberto contact Mr. Royal to receive a complete list of those items. Chairman Lucier stated that the list contained, among others, that two lots were removed from the steep slopes area around Parker Springs; they had lengthened the buffer around Parker Creek where the steepest slopes were located; they had changed the road design to make the crossing perpendicular to Parkers Creek to minimize the environmental disruption; they had taken away one road crossing; they had originally not buffered in the ephemeral streams in the sketch design, and those streams now had 25-foot buffers on each side; that there were now greater setbacks to Monterrane; that the developer had agreed to build all houses to Green Building standards; and, the Lighting Ordinance would be fully adhered to.

Chairman Lucier stated that these changes were made as a consequence of the ERB's reviews and the developer's response to those reviews, so there was some impact to the development due to the concerns expressed by residents of Monterrane, and that impact was improvements to the project. He stated that perhaps all the changes the residents wanted had not been made, but nevertheless they were important and substantial changes that lessened the environmental impact of that development.

Chairman Lucier stated that regarding Mr. Diliberto's statement regarding sketch plan approval, he agreed that the time to request the environmental assessment was at the sketch design phase so that the greatest benefit could be obtained. He stated that this Board had inherited the current process, but the Board was in the process of amending the Subdivision Ordinance so that the environmental assessment was due at sketch design. Chairman Lucier stated that although the Board may not have fully responded to every concern, they had responded to many of them.

Commissioner Vanderbeck quoted from the minutes of a previous meeting where it said that after further evaluation and the discovery of better that anticipated soils, it was determined that no subsurface drip systems would be needed, and with the revised configuration of lots and roads, only 15 off-site systems would be required, as opposed to the 19 or 20 proposed. He said he believed that was another positive that had come out of the review and subsequent changes.

Mr. Diliberto stated he continued to be concerned about water that was collecting in a stream about 40 feet wide and about 6 inches deep.

Beth Kricker, 224 Buteo Ridge, Pittsboro, NC, stated that a recent article in the *News & Observer* on May 17th had listed North Carolina as having one of the worst unemployment periods in the history of the United States, citing the loss of manufacturing jobs and others as the chief cause; that most people in the County worked outside the County; that the prohibitive cost of gas to reach a place of employment placed an undue hardship on families; that many were in danger of loosing their homes; that many were finding it increasingly difficult to buy food and necessary clothing; that the tension that had caused in family relations was well-documented; that the budget the Commissioners deliberated tonight needed to take those conditions into consideration; that any expansion of budget needs needed to be severely curtailed so that those most in need had the first priority; that the crisis in this County was a lack of transportation for this population; that she was suggesting that the Commissioners form a task force to discover ways and means to providing public transportation for its citizens; and, that the production and maintenance of a transportation system would help to replace the jobs lost and moved overseas.

Chairman Lucier stated they were working hard through the Rural Planning Organization (RPO) and the Metropolitan Planning Organization (MPO) as well as with the municipal governments of Pittsboro and Siler City to do what was possible to enhance public transportation.

Jay Stobbs, 62 Winding Ridge Road, Durham, NC, stated he was a homeowner in the far northeast section of the County in a subdivision known as Culbreth Farms; that he was concerned about the number of break-ins occurring in his development of 140 homes; that when calling for deputy assistance it took 40 to 45 minutes for a Sheriff to respond; and, that they were concerned about that slow response time particularly if an injury occurred and medical assistance was needed.

Chairman Lucier stated that being that far in the corner of the County did result in a longer response time, and one of the things to be considered in the future was substations in various parts of the County as the County continued to grow.

Commissioner Barnes stated that over the past several weeks they had held meetings with the Sheriff's Department in the north and northeast regarding neighborhood watches, and asked Mr. Stobbs had he attended any of those meetings. Mr. Stobbs replied no, but he was familiar with that program. Commissioner Barnes stated they had held three meetings, and attendance was light. He encouraged Mr. Stobbs and his neighbors to attend the next meeting stating that the neighbors needed to do their part to help; that the community watch program was proven to work quite well; and, that the Sheriff's Department did quite well for the number of personnel it had.

Commissioner Cross stated that there was one Deputy Sheriff that was designated to oversee the community watch program, and if Mr. Stobbs' subdivision was interested in forming a program for his community, he would encourage Mr. Stobbs to contact the Sheriff's Department to arrange a community meeting.

Commissioner Barnes added that the Deputy's name was Lt. Maynard.

BOARD OF COMMISSIONERS' MATTERS

Public Hearing on the Chatham County Fiscal Year 2008-09 Budget: Public hearing to receive public comments on the Chatham County Fiscal Year 2008-2009 Manager's Recommended Budget

Chairman Lucier stated that tonight's public hearing was to receive the Manager's proposed budget for the upcoming year; that another public hearing had been scheduled for

Thursday in Siler City; that after that time, the Commissioners would deliberate on the budget, with all-day work sessions scheduled for June 2nd and 3rd with an additional third date left open if needed; that the budget needed to be adopted no later than June 30th; and, that at this time the budget was the Manager's recommended budget, but by the end of June it would be the County Commissioners' budget.

Charlie Horne, County Manager, stated that the proposed General Fund budget totaled \$83,455,961; that the total Water Fund budget was \$5,163,788; that the total Waste Management Fund totaled \$3,964,151; that the total property valuation with the proposed increase was \$7.4 billion; that one penny on the tax rate generated \$722,266; that the proposal was for a 5.5 cent tax increase for a total of 67.2 cents; that the total property tax revenue anticipated from property taxes was \$49,671,324; and, the General Fund Fund Balance appropriated was \$5,218,403.

Renee Paschal, Assistant County Manager, stated that of the 5.5 cent tax increase proposed, one cent was for a parks capital reserve to fund construction of park facilities; one cent was for water capital needs to fund future debt service; 1.2 cents was for school needs; and 2.3 cents was for other General Fund needs, including personnel. She stated that at the January planning session, staff had been asked to hold the tax increase to 4 cents, but after looking at all factors it was determined that 5.5 cents was necessary; that it would fund all County services; that 58% of the budget was for mandated services; that 30% of the budget was discretionary and included such things as Animal Control; that Fund Balance would remain above their stated goal of 20%; and, that the proposed budget recommended 18.35 new positions, including 7 in the Sheriff's Department with 4 of those in the Jail; 2 each in health and MIS, and 2 in the Recreation Department and 2 in the new Community Development Department.

Ms. Paschal stated that the recommended budget also proposed that of the two grants that expired in 2009, to continue that funding through June 30th; that they had worked closely with the Chatham County Schools to fund their capital needs, and the proposed budget reflected a 5% increase in general Capital Outlay, a 7.3% increase in current expenses and a 5% increase in teachers' salaries.

Chairman Lucier stated that a maximum of five minutes would be allowed for each citizen to comment on the recommended budget.

Kim Caraganis, 285 River Bend Road, Siler City, NC, Director of Chatham County Together!, stated that she wanted to appeal the County Manager's recommendation regarding the cut in their funding of \$2,875, which was an 11% cut; that in addition to losing that amount, they would be losing funding in the amount of \$8,334 from the United Way; that loss of those funds would dramatically impact their non-profit work; that they contributed \$7,500 a year to the cost of rent of utilizes for their facility; and, that she was appealing to the Board to reconsider that recommendation and not cut their funding.

Chairman Lucier stated Ms. Caraganis' comments would be taken into consideration as the Commissioners deliberated.

Mickey East, 85 Midway Street, Pittsboro, NC, stated that he believed that the changes in County government were taking place much faster than the changes in the County; that while he commended the Commissioners for trying to deal with present conditions while planning for future growth, he believed timing was everything; and, that because of the burden placed on taxpayers that some of the proposed expansions should be reconsidered and slowed down or deferred for at least a couple of years. Mr. East stated that specifically, there was a 12% growth in property taxes from 2006 to 2007, and 15% from 2007 to 2008; that that growth would likely continue given past decisions; and, that the idea that the rate of government growth was greater than that significant growth and therefore led to a significant tax increase was of great concern to him.

Mr. East stated he was concerned about the raises for County personnel, raises for school personnel, and the proposed new office for the coordination of community development which was bureaucratic growth and needed to be delayed; that he was concerned about the 7.3% increase in overall school expenses and yet the growth projections were not yet proven; that over the last two years, the growth in the schools had been less than half of what was projected; and, that he believed they needed to be more conservative as they moved forward in the budget process.

Mr. East said in the parks area, he would like to build up the amount of land available for parks, but at this time having two new park personnel was something that needed to be re-evaluated based on current conditions. He reminded the Commissioners that of the 5.5 cent increase, that much of it was intended to provide additional personnel and it was his belief that those expenditures should be held at least for a couple of years until they could more clearly see how the economics of the County would work out.

Larry Ballas, 139 Indian Creek, Apex, NC, stated that budgets were usually over-inflated and underutilized; that on page 3 of the budget it read, "You will find this budget to be largely continuation. The total expansion requests, if approved, total \$2,986,021"; that on page 9 it said "...current year property taxes, not including a tax rate increase, are expected to grow by \$2.3 million, 6.2%, over FY 2008 budgeted amounts;" and, that meant that the budget expansion was \$2.9 million but another \$2.3 million was expected from property taxes. Mr. Ballas said his interpretation of that was that the increase was really \$600,000.

Mr. Ballas agreed that perhaps they did not need to increase personnel by the number proposed; that compared to the current tax rate the proposed increase was 8.9%; that such a burden would make it difficult for renters to afford because the people who owned the rental property would increase rents to cover the additional property taxes; that he did not see a great effort to generate new revenue; that a significant amount of revenue may be being overlooked by people who purchased products either inside or outside the County but had them shipped elsewhere and may not be paying the appropriate sales taxes; and, that although expenditures for schools ranked around third in the State, the schools were ranked only in the 50th percentile, so more money would not necessarily improve the schools.

Ms. Paschal stated that the continuation budget was what was needed to continue the current budget for next year, and that budget was increasing by 3.4%; and, that the expansion budget was new additions. She added that they were losing revenue from building permits, Register of Deeds fees, and other areas including sales taxes.

Chairman Lucier stated that the Commissioners looked hard at each and every request for new personnel, but it was important to keep in mind that Chatham County had a much lower number of employees that the State per capita average, near the bottom of the list. He stated that if they wanted to achieve the State average, they would have to hire another 100 County employees, and obviously that would not happen. Chairman Lucier stated the County employees they did have must be doing an outstanding job since they were able to perform their jobs, and that should be kept in mind.

Heather Johnson, 449 Foster Lane, Pittsboro, NC, stated that there was no recession as yet, and the assumption that the recommended budget was produced in a recession was false; that the creation of a Community Development Department was unnecessary at this time; that the idea of combining departments was a good one, but it should save money and not cost more; that adding \$150,000 for staff that might be needed was not frugal; that there was a difference between adding staff and adding administrators; that consultant work done for the EDC should be revisited, and the work of the EDC looked at more closely to make sure the County was getting its money's worth.

Chairman Lucier stated that the Commissioners looked at that work very carefully; that economic development in the County was an extraordinarily important issue; that a strategic plan for economic development was necessary as well as its implementation and they had to provide the funds to do that; and, if they did not do that then they would continue to fall behind in providing jobs in the County, and that was not something they wanted. Ms. Johnson stated she did not want that either, but that the EDC needed more oversight and more assessment of the job they were doing.

Ms. Johnson stated that the proposed pay study was simply a method by which counties continued to raise costs not associated with the cost of living; that comparing Chatham County to other counties would not be a good comparison since the cost of living was different across counties; that adjusting salaries by 15.5% over two years was beyond the pale; and, perhaps they should look to attrition and award higher performance with higher pay.

Chairman Lucier stated that process was used now, noting there was a base increase built in of about 2%, but a pay increase based on higher performance could go as high as 6%.

Ms. Johnson stated that a tax increase of 5.5 cents was being proposed at a time when people could least afford it; that the growth in the County's tax base should be providing for growth through the budget; that the budget also increased fees and fire taxes; that there was no evidence that the taxpayer burden was even remotely considered in the development of the proposed budget; and, she would like to know how much of the 35% of the budget that went to the schools was for administrative costs, including County employees.

Chairman Lucier stated that information could be provided, but he knew that it was very low; that the vast majority of that 35% went to the upkeep of facilities and payment for teachers. Ms. Johnson stated they needed to look more closely at that 35% to see where it was being utilized.

Chairman Lucier stated that County staff was not a part of the school's budget; and perhaps it would be more appropriate for Ms. Johnson to make her comments to the Board of Education who set the policy for the schools. Ms. Johnson stated that this was a time when County government should be tightening its belt rather than spending more money.

Bob Knight, 406 Chimney Rock Lane, Sanford, NC, stated that it was not the right time for such a tax increase; that they were experiencing some of the worst times in Chatham County history and the worst may yet come; that they had never experienced such job losses, high gas prices, and the impact that growth had placed on the County; that rather than adding new positions, they needed to get more from the personnel already on board instead of adding to the taxpayers' burden; that businesses had not only left the County but those businesses remaining had reduced jobs and working hours of those still employed; that layoffs and temporary closings were widespread; that now was the time not to raise taxes and put more of a burden on citizens; that the proposed pay study at a cost of \$150,000 should be reconsidered; that the Sheriff's Department was proposed to get a significant increase but nowhere did it say what would be provided for that additional cost; that if you were traveling on Highway #64 between Pittsboro and Siler City at a speed of 59 mph, that every Deputy Sheriff that you saw would pass you, and his point was that every mile an hour over 60 cost the County one gallon of gas; and, that he would like some clarification on the proposed increase in the fee for wells, noting that \$30 was shown for "employees."

Ms. Paschal stated that the Health Department did a good job of allocating staff time, and knew exactly how much time it took to perform certain functions; and, that the \$30 increase was for the additional time it would take to perform the necessary testing of wells. She added that the \$30 did not go to the employee; it went to the General Fund.

Karl Ernst, 711 Red Oak Drive, Siler City, NC, stated that the budget proposed almost a 9% increase in the overall budget; that the budget was being proposed to citizens whose average pay increase may be only 3%; that based on that the numbers did not work; that they needed to look more closely at what needed to be paid for and what they wanted to pay for, and then decide on what they could pay for; and, that they not ask people to pay for something they could not afford.

Sonny Keisler, 3006 River Forks Road, Sanford, NC, stated that he strongly supported the proposed budget including the proposed tax increase; that the Commissioners had been given the book with a chapter entitled "The Twelve Big Myths of Growth;" that the first myth was that the bigger cities got, the lower the taxes were; that that myth was touted by the real estate industry and was proven false more often than not; that while population grows arithmetically energy costs of maintaining the community usually grew geometrically; that research had shown that development did not cover new public costs, in that it brought in less revenue for the local government than the price of providing services; that that was what the County was facing; and, because of that he congratulated the Commissioners for having the courage to face reality and to raise property taxes to cover the inevitable new costs.

Mr. Keisler stated that given the reality concerning the costs of population growth, he strongly encouraged the Board to not embark on efforts to acquire for Chatham County the 19 million gallons a day of additional wastewater allocation; that that allocation could support 316,666 new residents; and, to acquire that allocation and potentially bring in that many new people would certainly drive local property taxes up dramatically, and they did not need that.

Barry Porter, 4625 Cresta Drive, Raleigh, NC, representing the American Red Cross, stated that many people had a misconception of the Red Cross; that many believed they were a government agency and they were not; that they were a non-profit organization that accepted contributions to provide disaster relief; that in this community they had provided more such relief recently than ever before, including costs for burial of two children who died in a fire; that 95% of the work done by the Red Cross was performed by volunteers; that he needed help from the County in communicating to the public that the Red Cross needed more volunteers within the County; and, that as the Commissioners deliberated its budget and made the tough decisions, that the Red Cross was available to provide blood, disaster relief, and help to military personnel "24/7."

Mr. Porter stated that they needed to multiply their efforts, and that could only be done through the help of the County's citizens; that at present more funds were spent in Chatham County than was raised; that it was difficult to provide those services when they were not getting the necessary support from the County's citizens; and, they wanted to build the resources within the County to provide the services needed by its citizens.

Chairman Lucier stated that he believed everyone realized what the Red Cross did and how valuable they were when disaster struck, and appreciated the comments regarding their needs.

Commissioner Thompson stated he understood that Chatham County had been served through the Lee County office but that had recently been changed to the Wake County office. Mr. Porter stated that change had occurred in 2007, because the Lee County office could no longer operate as a chapter of Red Cross due to administrative costs.

Commissioner Thompson asked about the governing board. Mr. Porter responded that the Raleigh Triangle Chapter of the American Red Cross was the current governing board, adding that the Lee County office had disbanded. He stated they would much prefer having a Chapter in Chatham County, and they had asked the United Way to provide funds for disaster relief and other expenses.

Commissioner Thompson stated that some Chatham County employees contributed to the Red Cross through payroll deductions, and asked if Mr. Porter knew how much funding that provided. Mr. Porter stated he did not know because that was a new process for them.

The Chairman closed the public hearing on the Chatham County fiscal year 2008-2009 recommended budget.

PLANNING AND ZONING

Development Schedule Approval for Lystra Road Subdivision: Consideration of a request by Karen M. Kemerait, attorney with Blanchard, Miller, Lewis & Styers, P. A., on behalf of the Dornoch Group for approval of a development schedule for the Lystra Road Subdivision (59 lots on 144 acres, located off SR #1721, Lystra Road)

Keith Megginson, Planning Director, stated that the developer was requesting that their development schedule be extended for an additional nine months to expire on March 18, 2009. He stated that the Planning Board recommended extending the development schedule for the additional nine months by a vote of eight (8) to one (1).

Chairman Lucier stated that it appeared that this was a reasonable request since the Board had imposed additional processes in terms of environmental assessments which were very important to the County, and the developer needed the appropriate time to do that.

Karen Kemerait, Attorney with Blanchard, Miller, Lewis & Styers, P.A., stated it was their intent to take that nine months and work with the ERB to develop a process to address concerns and bring forth an acceptable plan.

As per the Planning Department and Planning Board recommendation (by a vote of 8-1), Commissioner Vanderbeck moved, seconded by Commissioner Thompson, to grant approval of the extension of the development schedule as proposed allowing the sketch design to be valid until March 18, 2009. The motion carried five (5) to zero (0).

Revision to Existing Development Schedule for Cooper Subdivision: Consideration of a request by Karen M. Kemerait, attorney with Blanchard, Miller, Lewis & Styers, P. A., on behalf of Contentnea Creek Development Company for an approval of a revision to an existing development schedule for **Cooper Subdivision**

Keith Megginson, Planning Director, stated that the developer was asking for a revision to the development schedule so that Phase 2 would run until April 2009 and Phase 3 would run until May 2009 for preliminary and completion 18 after that. He stated that the Planning Board had voted unanimously to recommend the revision.

As per the Planning Department and Planning Board recommendation (by unanimous vote), Commissioner Thompson moved, seconded by Commissioner Cross, to grant the request for a revised development schedule as stated. The motion carried five (5) to zero (0).

Zoning and Ordinance Amendments:

Conditional Use Permit Renewal: Consideration of a request by Christopher M. Fortunes, dba Evergreen Companies, Inc., for a Conditional Use Permit “renewal” for a landscaping business, lawn and garden shop, and florist shop located on Parcel No. 71030, at 11115 US #64 E, New Hope Township

Keith Megginson, Planning Director, stated that State law required that a building permit be received and construction start within six months, then inspections to take place every twelve months; that the building permit had been acquired and the building was constructed, but no funds were left to make necessary changes to the septic system; that because the twelve-month inspection did not take place, the permit had expired; and, the developer was requesting an extension so that the necessary work could be completed and he could begin making use of his building. Mr. Megginson stated that a resolution had been provided that listed 15 site specific conditions and standard conditions.

Chairman Lucier stated that landscaping would be provided when optimal planting time occurred, and asked wasn't that time now. Mr. Megginson said some of the landscaping had been done already, but not all, and because it was so late in the year it would be completed in the fall; and, if it was not done then the owner would be issued a Notice of Violation (NOV) and would receive fines until the work was done. Chairman Lucier stated it would be his preference to get the landscaping completed sooner rather than later, noting when the weather turned hot it would be difficult to get it done until the fall.

Commissioner Cross asked about the problem associated with connecting to a water meter. Mr. Megginson stated he was not aware of that.

Commissioner Barnes stated he did not believe there was an issue, noting he believed water was being provided to the site.

Chairman Lucier asked Mr. Megginson to relay to the owner the Commissioners' comments regarding the landscaping. Mr. Megginson agreed to do so.

Warren Glick, Vice-Chair of the Planning Board, stated that the owner had indicated he was willing to provide the plantings at any time. He stated as far as the water issue, the extension had to be approved before that could be addressed.

As per the Planning Board and Planning Department recommendation (by vote of 9-0), Commissioner Barnes moved, seconded by Commissioner Cross, to adopt **Resolution #2008-Approving An Application For An Amendment to a Conditional Use Permit Requested by Christopher M. Fortunes, dba Evergreen Companies, Inc.**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

BREAK

The Chairman called for a five-minute break.

PUBLIC WORKS

Public Hearing:

Chairman Lucier announced that they would next consider Item #19 regarding the Western Transmission Lines since no one had signed up to speak at the public hearing, and that Item #20 regarding the Southeast Chatham County Water District Contract had not been properly noticed so the public hearing would not be held tonight.

Public Hearing on the Financing of the Western Transmission Lines: Public hearing to receive public comments on the financing of the western transmission lines

Chairman Lucier determined that no one was present who wished to make public comments. He indicated that the Board would consider it at its June 2, 2008 Board of Commissioners' meeting.

The Chairman closed the public hearing on the financing of the Western Transmission Lines.

PLANNING AND ZONING

Public Hearing Request for Search Ring Approvals: Public hearing to receive public comments on a request by Verticality, Inc. to request search ring approvals for six (6) proposed new cell towers in the County

Keith Megginson, Planning Director, stated that the County had an annual review process of all providers of cell service to attempt to eliminate duplication of service and reduce the number of cell towers; and, that only one company had submitted a request and that was for six towers from Verticality, Inc.

Ian Ormesher, Verticality, Inc., 7245 Clifton Road, Clifton, VA, stated that they were an independent company that worked with all carriers in the southeast United States; that they built cell towers in areas where there was sufficient population density and traffic flows; that they had reviewed Chatham County as well as other areas of the State, particularly as it related to traffic volumes on the roadways, and had determined six potential sites for cell transmission towers; that whether the towers were built depended on the budgets of the different cell providers; and, due to budget constraints he did not anticipate all six being built. Mr. Ormesher, using a map, pointed out the six potential sites.

Mr. Ormesher stated that at times cell towers were an emotive topic, and they had taken great care to make sure that the proposed cell towers did not duplicate coverage but provided coverage to the "gap" areas that had been identified through their research. He stated that the benefits of adding these proposed cell towers included increased public safety, increased family and social communication, and increase coverage for companies to conduct their business; and, that for individual households when cell coverage was complete they were able to do away with land lines at a savings on average of \$600 a year.

Commissioner Barnes stated he understood the need for cell towers, but suggested that in order to put cell towers where they were the most lucrative one would be required in the southeast as well as the southwest part of the County; that when traveling in those areas you may as well leave your cell phone at home because there was no coverage; that just because the population was not dense in those areas he did not consider that a good reason since the reasoning was based only on economics; and, that if cell towers were allowed where "bundles of money" would be made, then he believed they should be required to build them in the less populated areas so that those areas could enjoy the same benefits. Mr. Ormesher stated he understood that perspective, but his perspective was economics and the carriers made the decision on where to place service. He stated that if he could get a carrier to agree to put a tower in those areas, he would be happy to do it, and would be glad to arrange a meeting with the carriers to discuss that.

Chairman Lucier stated that such a meeting or meetings should be noticed and opened to the public. Mr. Ormesher agreed.

Gerald Smith, 5291 Highway #87 North, Pittsboro, NC, stated that cell service was not cheap through Alltel, and it was not much better than a land line. He stated he and his neighbors had put up with poor cell service and lack of broad band for quite a while and asked the Commissioners for help in getting service to that part of the County.

Chairman Lucier stated he agreed with Mr. Smith's statements, and indicated they were doing all they could to get broad band service to that part of the County as well as better cell phone service.

David LeGrys, 111 Pokeberry Lane, Pittsboro, NC, stated that he had looked at the propagation maps, and had noted that they were 19 feet short.

Chairman Lucier said then that was 180 to 199. Mr. LeGrys said that was correct. He stated he liked the proposed locations and agreed that signals were needed in those areas. Mr. LeGrys proposed to schedule a work session where the current cell tower ordinance could be reviewed to see if there were some revisions needed to allow towers where they were critically needed; he stated it was not just a matter of reviewing the towers and approving them, it was getting the carriers to build them; and, he would like to consider alternatives in the ordinance that might provide incentives for carriers to do that.

Mr. LeGrys stated that a number of years ago a law was passed that said you could not prohibit the introduction of cell phone service in your county, but the law also said they had an obligation to provide service to residents that needed it; that over the last three years he had talked to three carriers about the absence of service along Highway #902; and, suggested that the Board send a letter to all the carriers and ask them to meet to discuss exactly where towers needed to be placed so that their obligations under the law were met. Mr. LeGrys offered his services to the carriers and the Planning Board in that regard.

Chairman Lucier said that Mr. LeGrys' services were very beneficial to the County and thanked him for that; that he believed the idea of a work session was a good idea and it should be scheduled so that the Board could become more proactive in getting coverage where it was needed. Mr. LeGrys stated that the County needed to step forward and say where the coverage was needed, not just agree to place the towers where it was most economically beneficial to the carriers.

Commissioner Vanderbeck asked if Mr. LeGrys had models of such incentive programs that had been successful in other communities that could possibly be provided prior to the work session. Mr. LeGrys stated he did not, but one possibility was that if an applicant had been approved two years in a row but no tower was built, that the third year some other provider be given a chance to do so.

Commissioner Thompson stated that he agreed that the area around Highway #902 was a total "black out," noting he drove home that way every day. He urged the Board to move forward and take action within the next 30 to 60 days.

Chairman Lucier stated it was not just a coverage issue, but was an economic development issue. Mr. LeGrys stated it was also a safety issue when people could not call 911 because they were in a "dead" area.

Commissioner Cross stated that no cell towers had been built to his knowledge since he had come on the Board; that he would like to discontinue the practice of granting a company a twelve-month lock on a cell tower and keep it open so that the companies ready to actually build something could come in and build it. He stated every year it was locked up and if someone else wanted to build a tower, they could not do so. Mr. LeGrys agreed that was an unfortunate result of the process, and the last two years towers had been approved but the carriers had not built the towers.

Commissioner Cross stated he believed they should hold up the approvals until someone actually was ready to build one, just like they did with all other construction, and then have a set time that construction had to be completed. Mr. LeGrys stated he understood and was willing to help with that.

The Chairman closed the public hearing on a request by Verticality, Inc. to request search ring approvals for six (6) proposed new cell towers in the County.

Chairman Lucier administered the oath to those in attendance who wished to make public comments on Item #14, Public Hearing Request for Revision to Existing Conditional Use Permit by William Jeffrey House, Item #15, Public Hearing Request for Revision to Conditional Use Permit for Polk Center, and Item #17, Public Hearing for Conditional Use B-1 Permit by Chatham Development Corporation, as those hearings were quasi-judicial in nature and required that speakers be sworn.

Public Hearing Request for Revision to Existing Conditional Use Permit: Public hearing to receive public comments on a request by William Jeffrey House for a revision to an existing conditional use permit for a private and public campground located at on the Moncure School Road, Haw River Township, Parcel #11257, on approximately 10.35 acres, to include an area for boat and recreational vehicle on-site storage

Keith Megginson, Planning Director, stated that Mr. House was proposing to revise his current Conditional Use Permit for a private and public campground. He indicated that this was a joint meeting with the Planning Board, and the issue would come before the Planning Board in June. He asked that speakers indicate whether they were an adjacent property owner when they were called on to speak.

Cynthia Perry, Attorney for the William Jeffery House family, stated that a Conditional Use Permit for a family campground had been previously approved; that unfortunately at that time the family had not realized that a tobacco barn was located on the property that was being used to store several boats and would need to be worked in as a part of the Conditional Use Permit; and, that it would then have to go through the approval process.

Ms. Perry stated there was an inaccuracy in the application where she had discussed how this situation had come to pass. She said in 1996, Hurricane Fran had taken down a large number of trees, and in 2003 the tobacco barn had been improved and stalls added, now totaling eight, and used to house propane and several boats; that it was true the barn was existing at the time the Conditional Use Permit was granted, but the House family had not understood that it would need to be made a part of the Conditional Use Permit; that the family was now before the Board seeking both forgiveness and permission to keep the boat and RV storage facility at the campground.

Ms. Perry stated that as could be imagined, such a use fit perfectly with the campground already approved; that it was an important part of the income for the House family and would fold nicely into the current use of the campground; that she wanted to emphasize that this would be a use that would be confined to the tobacco barn and not a use that would be extended to the other ten acres of the campground; and, that the plan was a good and simple one. She stated that she had submitted for the record a report from an engineer that stated that the structural integrity of the barn and extensions of the barn met Code, and they would certify that for the Board; and, in addition to that there were roughly fifty letters that had been submitted in support of the proposal and wished to have those letters become part of the public record of these proceedings.

Raymond Alan Miller, 446 Moncure School Road, Moncure, NC, stated that he was in total agreement with the proposed revision to the Conditional Use Permit, and supported the House family in whatever they chose to do.

Kenneth Jeffries, Moncure School Road, Moncure, NC, stated that he was an adjacent landowner to the House family, and wanted to support the House family and their proposal for the revision to the Conditional Use Permit. He stated he believed the business would be an asset to the community and was pleased to support the project.

Ron Brown, 104 Moncure School Road, Moncure, NC, stated that he had known the House family for forty years and fully supported their request to revise the Conditional Use Permit to allow for the boat and RV storage.

Chairman Lucier stated that the next step in the process was that it would be heard by the Planning Board on June 3rd, and once their deliberations were complete they would forward recommendations to the County Board for action.

The Chairman closed the public hearing on the request by William Jeffrey House for a revision to an existing conditional use permit for a private and public campground located on Moncure School Road, Haw River Township.

Public Hearing Request for Revision to Conditional Use Permit for Polk Center: Public hearing to receive public comments on a request by Jerry Turner & Associates on behalf of HBP Properties, Inc. (Brantley Powell) for a revision to the conditional use permit for Polk Center, located off US Highway #15-501 N, Baldwin Township, approved for a Conditional Use B-1 zoning district for a shopping center on October 16, 2006, to allow an extension of Condition # 13 to extend a new expiration date of two years (October 16, 2010) to begin construction

Keith Megginson, Planning Director, stated that this was a request for a revision to a Conditional Use Permit for the Polk Center for a shopping center, to allow an extension of the expiration date of two years, October 16, 2010, to begin construction. He stated that the current permit expired on October 16, 2008. Mr. Megginson explained that there were some traffic mitigation issues that had become complicated with NCDOT, and Mr. Turner would address that.

Jerry Turner, 905 Jones Franklin Road, Raleigh, NC, stated that he was representing the applicant; that a condition of approval of the Conditional Use Permit was that construction begin within two years; that they had not anticipated the length of time it would take to obtain NCDOT approval of the location of the main road and the coordination that would be required with the business across the street; that the road in question was their main entrance off of US Highway #15-501, and NCDOT had not been responsive which had delayed their start of construction; and, they wanted to move forward with the project as quickly as possible and the extension would provide the additional time to do that.

Sally Kost, Planning Board Chair, asked were there any other circumstances that had caused the delay with the driveway other than NCDOT. Mr. Turner replied basically, no.

Chairman Lucier closed the public hearing on request by Jerry Turner & Associates on behalf of HBP Properties, Inc. (Brantley Powell) for a revision to the conditional use permit for Polk Center.

Public Hearing for Conditional Use B-1 District: Public hearing to receive public comments on a request by Chatham Development Corporation for a Conditional Use B-1 District located on Parcel #80203, located off US Highway #64 E, New Hope Township, on approximately 15.16 acres

Keith Megginson, Planning Director, stated that this was a two part request, with the first being this request for a B-1 District and the second being Item #17 which was a request for use of the property as a boat and RV storage facility. He stated that the first hearing did not require sworn testimony, but the second hearing did.

Mr. Megginson stated that this property was located between the Deer Run Subdivision that had just been approved for water on the south side of US Highway #64, and the John Deere landscaping business which shared the same entrance with Building Sources; and, that the applicant was requesting a change in zoning from residential/agricultural to B-1.

Rita Spina, 12 Matchwood, Pittsboro, NC, Vice President of Chatham Citizens for Effective Communities, stated that she was also a member of the Major Corridor Ordinance Task Force appointed by the Board of Commissioners; that she had spoken during the original Conditional Use Permit review in September of 2007; that it was interesting to note that this application for review tonight was almost exactly the same as the one reviewed in 2007; and, that since then, however, there had been significant changes along the major corridors in the County

Ms. Spina stated that a scenic overlay had been enacted which increased protection from major sprawl and strip malls; that the idea that other businesses were in the area was not a valid reason to create more of the same; that the properties on the western side of the site were primarily residential with Deer Run abutting; that the sites on the eastern side of the site were the John Deere Landscapes, Wooten Industry, and Building Sources; and, beyond those areas was primarily residential to the intersection of NC Highway #751.

Ms. Spina stated that the adopted Land Use Plan noted that the Route 64/751 node was not delineated by the Major Corridor Ordinance Task Force as a commercial node as described by the developers, but rather as a business node to accommodate corporate office buildings/business park, which was also part of the economic development plan of the County. She stated that another issue to consider was that NCDOT was presently providing citizen meetings to explain its long range plans for the US 64 corridor; that the intersection of US Highway #64 and NC #751 was spelled out as a major interchange for that super highway of the future; that to do that would no doubt require land acquisition of properties along US Highway #64; and, that it would be unwise to ignore the potential effects of these changes to any further commercial development there as the effect would be to decrease the frontal part of this property.

Ms. Spina stated that the CCEC recommended that the request for rezoning be denied, and that the plan did not provide for protection and conservation of existing resources, nor did it follow effective growth management or preservation of scenic and open space.

Paul Vivirito, 111 Doe Court, Apex, NC, stated that on behalf of all land abutters, they were concerned about the spread of commercial, industrial or B-1 zoning in this case, spreading to the west along US highway #64 towards Jordan Lake; that the John Deere nursery should be the last property heading west along US Highway #64 on the eastbound side and the new storage yard at Horton Road and US Highway #64 on the westbound side; that both sides of the US Highway #64 corridor currently had the residential developments of Deer run and Heritage Point; that he would like to know the exact area for the NC 751/US 64 business node and where was its westernmost edge along US Highway #64; and that there seemed to be some discrepancies regarding the western boundary.

John Graybeal, Chair of the Major Corridor Ordinance Task Force, stated that he was not able to answer that question exactly at this time.

Mr. Vivirito said on behalf of all land abutters in the County, not just himself, he was requesting that the Board impose a time limitation of at least one year or more between submissions of basically the same request for the same piece of property; that it appeared that repeated requests for the same thing in a short period of time placed an undue burden on staff, the various review boards, the Commissioners and the abutting property owners; and, that placing such a time limit would be in the best interests of all involved.

Jim Stutts, 205 East Deer Run, Apex, NC, stated that the property in question was zoned RA-40 for a reason, and asked had that reason suddenly gone away; that he would like to think that zoning provided buffers between conflicting kinds of activities; that in this case groups of homeowners were affected by the requested zoning change, Deer Run to the west and Heritage Point and the quadrant of commercial property at US Highway #64 and Horton Road; that the parcel was not grouped with other commercial uses in the quadrant but rather projected into the residential area; that the parcel had residential property on two sides, with only one side commercial; that one side was a plant nursery and was well hidden from view; that the parcel had streams and wetland areas and was only about 780 feet from the Corp of Engineers' land that surrounded Jordan Lake; and, that the stream which flowed from the property ran approximately 1,000 feet onto the Corp of Engineers' property.

Mr. Stutts stated that with all the developer may do to protect it, they believed there was still some reason to be concerned about the environment; that pollution due to light, noise, runoff of liquids, and increased traffic would be worse than it was now if any business or commercial development was allowed on that property; that not the least of those was the negative impact to property values in both Deer Run and Heritage Point; that it was particularly hard to accept when one realized that Mr. O'Neal developed Heritage Point; that one must wonder if Mr. O'Neal would have been willing to build this storage facility before he marketed the lots at Heritage Point; and once rezoning occurred, there seemed to be a tendency for things to go out of control; that an example of that was the Farrell's Apex Self Storage, which rented a large number of outdoor tools which were arrayed beside US Highway #64 and was an eyesore; and, that it was important that all aspects of the Land Conservation Development Plan, the DOT Corridor Study, and the Major Corridor Ordinance Task Force be considered in determining if this rezoning request would be allowed.

Brian McGregor, 85 Doe Court, Apex, NC, stated that he was an abutting property owner; that he was concerned that as you drove along the eastern corridor of the County most of

the business were storage facilities; that some of the storage areas between his area and NC Highway #751 did not present that well to the County; that his biggest issue with that type of business was the necessity for a U-turn on US Highway #64 east at Bob Horton Road which was dangerous; that the future growth of that corridor should be strongly considered; and, that he requested that the request for rezoning be denied.

Patrick O'Neal, 762 Wooded Lake, Apex, NC, with Chatham Development Corporation and speaking as the applicant, stated that he appreciated the opinions of the Board and the neighbors and then provided a brief history of the property. He stated that they had a substantial investment in the property of about \$200,000; that they had researched how the property might be used while still protecting the environment; that they had taken extra efforts to buffer the property, noting that only 40% was proposed for development with 60% being left as green space; that the closest they were to Deer Run was 400 feet which would be left as open space with additional plantings added; that the development would provide tax revenue to the County and allowed them as individuals and as a business to use property that would not be useable in other ways; that the corridor already there did allow this type of development; that research had shown that node bumped up right against this property; that additional landscaping was proposed to further buffer the property; and, that they were looking at providing covered boat storage that had been shown by the Corp of Engineers to be a practical need.

Mr. O'Neal said from an environmental standpoint, they had already volunteered to double the recommended buffers along the streams and that up-to-date stormwater management would be used. He said with that was the added buffer along with border with the John Deere property and the additional stream buffer, as well as the small 40% use factor of the land use, they believed the property would maintain a good eye to the community and would not be an eyesore. Mr. O'Neal asked that the Board allow them to protect their investment in the property and provide a much needed business.

Dave Klarmann, Planning Board Member, asked what type of septic system had been approved several years ago, and could it be used now. Mr. O'Neal stated that based upon their testing, they had several possibilities. He stated that above-ground spray systems were no longer being used, and that the State-approved systems had changed its requirements just in the last eighteen months.

Mr. Klarmann said that Deer Run residents had concerns about the runoff of water used to clean the boats, and asked if the system would handle that water. Mr. O'Neal stated they would be using a collection system that allowed them to collect all the rain water, store it, and use it for washing the boats; and, that the runoff from that went through a sand filter that purified the water which environmentally speaking was the best system available.

Chairman Lucier asked how many streams were located on that property. Mr. O'Neal replied there was one year round stream and one intermittent or perennial stream. Chairman Lucier asked about the buffer width for the year round stream. Mr. O'Neal stated it was 100 feet. Chairman Lucier asked what the buffer was for the perennial stream. Mr. O'Neal replied it required a lot smaller buffer, but they had offered to increase that. Chairman Lucier stated the stream on the left appeared to him to be an ephemeral stream which also required buffering. Mr. O'Neal replied it was buffered, and then pointed out the area on a map that would remain as a buffer from that point to Deer Run.

Chairman Lucier stated that if someone was traveling from Raleigh, they would have to make a U-turn. Mr. O'Neal stated that what you would find as far as the actual ins and outs in regards to traffic to and from Jordan Lake would only be about seven or eight trips per day. He said a little further up was the intersection of NC Highway #751, which was the stop traffic point that allowed you to have the opportunity to make the turn. Mr. O'Neal added that the facility would be a secured facility with limited operating hours.

Sally Kost, Planning Board Chair, asked Mr. O'Neal to address the type of fencing planned. Mr. O'Neal stated they preferred to use the new aluminum that looked like cast iron fencing for the gates. Ms. Kost said the aluminum he was referring to was more decorative in nature. Mr. O'Neal said that was correct. Ms. Kost asked what type of security would be provided at the facility. Mr. O'Neal said there was one-way traffic coming in and out, but no perimeter fencing was planned except around the facility itself and not the entire property.

Kevin O'Neal stated that eight foot-high cyclone fencing would be used around the storage facility itself, but not around the front.

Patrick O'Neal stated that main part of the property to be developed and the road was on a higher bluff which provided additional buffering, and that allowed them to have more of a buffer from the road.

Mr. Klarmann asked about the water line running down US Highway #64. Mr. O'Neal stated it was on the opposite side of the road from their property and it was a 36 inch main under high pressure.

Karl Ernst, Planning Board member, asked would there be any fuel conservation involved since this facility would be in close proximity to Jordan Lake. Mr. O'Neal stated he did not know.

Harold Woodard, 256 American Court, Apex, NC, and President of the Heritage Point Homeowners Association, stated that he was speaking for many of his neighbors in expressing strong opposition to the proposed Conditional Use B-1 Permit; that they had embraced the vision of residential living characterized by pastoral landscapes teeming with wildlife with buffers provided by the Corp of Engineers; that the developers had accurately marketed Heritage Point as a thriving subdivision of beautifully landscaped lawns; and, that ironically, those same developers had brought the current proposal before the Board.

Mr. Woodard stated that the current zoning designation of this tract was appropriate given the number and scale of businesses already located in the area between the intersection of NC Highway #751 and entrances to Deer Run and Heritage Point; that changing the area's designation would adversely affect traffic in the area, even with the one-way entrance and exit; that inevitably the noise level would increase at times; that traffic would increase; that a small habitat for some wildlife would be destroyed; that the proposal did not fit; and, he urged the Board not to allow that to happen. He asked the Board to allow the residents to enjoy the benefits of residential life that was promised them.

Larry Ballas, 139 Indian Creek, Apex, NC, stated there were many storage businesses in the area, and whether or not this proposal was approved, he suggested that the Board consider something similar to an occupancy tax for the storage of boats and recreational vehicles; that many such vehicles were owned and operated by people who lived outside the County and were using the County's roads and recreational areas; and, that revenue could be applied to parks or other recreational activities for the citizens of Chatham County.

Chairman Lucier stated that was something that could be looked into.

The Chairman closed the public hearing on the request by Chatham Development Corporation for a Conditional Use B-1 District.

Public Hearing for Conditional Use B-1 Permit: Public hearing to receive public comments on a request by Chatham Development Corporation for a Conditional Use B-1 Permit located on Parcel #80203, located off US Highway #64 E, New Hope Township, on approximately 15.16 acres for a boat and recreational vehicle storage facility

Keith Megginson, Planning Director, again stated that this was a two-part request, with the first part being the district change which would be addressed by the Land Development Plan and whether it fit with that Plan, and the second being the Conditional Use Permit where they actually got into the design and use of the property. He stated that in order to approve this request, the Board was required to make the five findings listed in the Zoning Ordinance, so this was an opportunity for the developer to show how the proposal met those five findings that had to be made. Mr. Megginson stated that this was a quasi-judicial hearing so speakers would have to be sworn, and asked that if appropriate that speakers identify themselves as adjacent property owners.

Mr. Megginson stated that someone had previously mentioned the timing of the request, and noted that in Section 17.10 of the Zoning Ordinance there were provisions so that if a request was denied there were limits to the number of times you could come back before the Board with another request, set a once per year.

Loyse Hurley, 16 Matchwood, Pittsboro, NC, President of Chatham Citizens for Effective Communities, stated that CCEC had been requested to review this proposal by one of the adjoining property owners, Mr. Paul Vivirito, and that tonight, she would concentrate on several of the environmental aspects of the proposal and Dr. Rita Spina, the CCEC Vice-President, would comment on other aspects of it. Ms. Hurley stated that having reviewed what was essentially the same proposal as was the subject of a public hearing last September, and recommended for rejection by the Planning Department, her comments were as follows:

- The new proposal did not adequately address the environmental impact of the proposed storage facility. A preliminary wetland and stream buffer evaluation had been conducted by S&EC; however, the application only contained a map designation of these areas. The S&EC full report was not included. The map showed a perennial stream and a buffer was indicated but there was no indication for the width of that buffer. Perennial streams required a 100 foot buffer and the drawing on the map did not appear to meet that standard. There was an intermittent stream on the west side of the property, but once again there was no indication for the size of any buffer. The Watershed Ordinance calls for a 50 foot buffer for intermittent streams. Once again the map did not indicate the width for that buffer. The map showed 2 wetlands on the property and did have indications of a 25 foot buffer for those. The Watershed Ordinance calls for a 50 foot buffer for wetlands. They recommended an Environmental Assessment be prepared and subjected to a peer review before any additional consideration of this project.
- The application mentioned that there was a stormwater retention pond, intended to retain ½ inch rain event. That was insufficient for Chatham County rain events. Local rain gauges measured about 2¼ inches of rain this past Mother’s Day alone. The application mentioned an emergency “spillway” should the rainfall exceed the retention pond capacity but failed to disclose exactly where the spillway water would go, other than the mention of onto a grassy area. Since the property does not perk, can the ground adsorb this water from a spillway or would the facility create ponding and a breeding ground for mosquitoes on the property? Mr. Vivirito’s property was located downhill from this proposed site and there was concern about the impact to his property from this spillway and the stormwater run-off. These points need to be addressed.
- The applicant planned to collect stormwater runoff from the roof in an underground cistern and then use that water for boat washing. What did they plan to do in the event of a prolonged drought when there was no stormwater to collect? Boaters would still use Jordan Lake, especially on a clear, dry, sunny day, and would want to wash their boats. No mention was made of any back-up provisions.
- The boat washings were intended to be filtered and then sent to the stormwater retention pond. Remember that pond was only designed to handle a ½ inch rainfall event. Can it hold the additional water from boat and RV washings? The application did not mention what the filtration would consist of, nor did it mention if the filtration would control any algae resulting from the scum washed off the boats. Would the algae result in contamination of the pond? The application did not address disposal of the filters from this treatment.
- The applicant mentioned the benefits for additional revenue without imposing a demand for County services. The facility should provide additional tax revenue; however, the application also contained the statement, “There will be no employees necessary for the completion of this facility.” So the proposal would not create additional employment opportunities for the County.
- The applicant mentioned that there would not be any detergent used in the boat washing area. How do they plan to enforce this, since boat owners frequently carry their own detergents onboard? This facility was not intended to have personnel on the site for such enforcement. Additionally, there were fire concerns because of the type of proposed storage. There was no mention of any fire suppression measures.
- Cars, RV’s and boat motors are usually associated with oils and grease. The application mentioned that stormwater runoff from the drive areas would be conveyed to a grassed water quality area. Oil and grease were not consistent with water quality. While they mention they plan to use a Faircloth Skimmer on the retention pond as an erosion control measure during construction, they did not mention any oil and grease control measures during operation. What happens when there was use of the pond for the washings, immediately after a heavy rainfall event and the emergency spillway

was used? There was some danger of oils and grease getting into the spillway and onto the grassy area.

- One small point: the application indicated that they would meet the provisions of the draft lighting ordinance. That ordinance has been finalized.

Ms. Hurley stated there were some potential problems in the application; that they mentioned a potential future restroom capacity, should they find the need for such; that they did not mention what the criteria for that need might be; that they planned to utilize incinerating toilets in this future restroom; that that was an intriguing possibility with a very catchy name, and she was providing some specifications from one manufacturer of such toilets; that she wanted to note the 5-30 minute time period needed for complete incineration; that they should picture a hot, sunny day, with lots of boaters having enjoyed the lake and having quenched their thirst, and that a restroom might be a strong welcome attraction; that given the developer's own estimation of the potential use of this facility, that situation could become somewhat critical; that additionally, the application made no mention of hand washing facilities in this future restroom, and it was important to remember there was no water or septic planned for the site; and, any future addition of restroom facilities needed to be a separate application with appropriate detailed review.

Ms. Hurley stated the application also contained the notation that the remaining property would be considered as open space with plans for future development, and that also should require a detailed review for any proposed future expansion. She stated that they respectfully submitted that this application was inadequate and contained insufficient information for the Commissioners to judge if it met the five findings; and, that specifically there were serious questions about it meeting both findings #3 and #5. Ms. Hurley said they recommend that it be rejected.

Paul Vivirito, 111 Doe Court, Apex, NC, stated that he was an abutting property owner and an interested party to the proposal; that access roads into the property were to be right-in only on the western portion of the parcel and right-out only on the eastern portion; that there was only about 725 feet between the two; that there was no median cut thru directly in front of the proposed facility; that RVs, boat trailers and campers leaving and wanting to head west would need to use Bob Horton Road as a U-turn cut thru and people traveling from the eastern area would be required to make a U-turn at the Deer Run entrance cut thru, and that would create a real traffic problem; that the permit request estimated the number of trips to be 189 per day; that that figure was taken from Chatham Development Corporation's own figures given in their request for the Conditional Use Permit; that if you took that number of boats and divided it into 12-hour days you would find that it was a real safety issue which needed to be averted; that Mr. Wasserman of NCDOT was heading up a US Highway #64 Phase 2 Corridor study which in the future could possibly effect the property with a service road and increase right-of-way setback of up to 350 to 400 feet; and, that he hoped that the Board would deny the request for the Conditional Use Permit.

Mr. Vivirito stated that on behalf of all land abutters in the County, he was requesting that the Board impose a time limitation of at least one year or more between submissions of basically the same request for the same piece of property; that it appeared that repeated requests for the same thing in a short period of time placed an undue burden on staff, the various review boards, the Commissioners and the abutting property owners; and, that placing such a time limit would be in the best interest of all involved. He added that he had requested that the CCEC review the proposed development and provide their comments on his behalf.

Mr. Vivirito stated that regarding the number of times an application would be submitted, he wondered what would happen if an application was pulled just prior to the one-year deadline. Mr. Megginson replied that if notices had been sent out, that even if the application was pulled there would still be the one-year waiting period. Mr. Vivirito asked had notices been sent out the last time. Mr. Megginson stated he did not recall. Mr. Vivirito stated he would like to have that information. Mr. Megginson stated an applicant was able to make a request one time in twelve months, and after that time they would have to wait the twelve months.

Chairman Lucier stated that was the way the ordinance was written now, but the County was in the process of looking at many of the ordinances and that one would be looked at as well. Mr. Vivirito agreed that it may need some rewording to make it clearer.

Rita Spina, 12 Matchwood, Pittsboro, NC, Vice President of the CCEC, stated that Paul

Vivirito had asked the CCEC to address this application; that she had spoken at the CUP public hearing in September 2007; that the application offered nothing new to the previous application which was recommended for rejection by the Planning Department and subsequently withdrawn by the applicant; that it was a bad proposal then and remained a bad proposal now; and, that the changes were minimal and did not address the major problems that continued to exist. Ms. Spina stated that the problems were as follows:

- There were a total of 10 boat storage yards in the immediate vicinity of Jordan lake; that the one proposed would be almost directly across US Highway #64 from The Extra garage Storage Center; that Farrell's Apex Self Storage facility was just down the highway; and, that there was another proposal on tonight's agenda for some boat storage in Moncure. The proposal did not meet finding #2 that this permit was essential or desirable for the public convenience or welfare.
- It would appear that in fairly heavy traffic going east on US Highway #64, that a vehicle pulling a boat would create a high risk of accidents and require significant caution to exit the storage facility and attempt to move into the left-hand lane to make the left turn onto northbound NC Highway #751. The same would apply if coming from the east on US Highway #64 and attempting to cross the lines of traffic to enter the storage facility. This proposal does not meet finding #3 with respect to health, safety, and welfare of the community.
- In the 1.2 miles between this requested storage facility and NC Highway #751 there was significantly more scenic property than there was existing commercial/industrial property, and with the concept of the scenic overlay and desire by the County to protect the "green land" of the County, it was illogical to conceive of this area as a commercial area and hook it up to the NC Highway #751 node. Additionally, in keeping with the Land Use Plan, the 64/751 node had been recommended for an office/business use such as a business park by the Major Corridor Ordinance Task Force. The proposal was inconsistent with the objectives of the Land Use Plan and did not meet finding #4.
- The plans of the DOT for that major corridor raised significant issues for new commercial property to be built in the area today and be partly or completely obliterated should the highway be widened. It would put this storage area immediately in the face of the road and more difficult to access. It would also defeat the concept of keeping the corridor as a scenic highway. DOT had indicated their desire to have formal entrance and exit ramps at NC Highway #751 in order to make US Highway #64 a limited access route.

Ms. Spina urged the Board to reject the Conditional Use permit application.

Susan Miller, 65 Doe Court, Apex, NC, stated that the proposal was not a good thing for her neighborhood of Deer Run; that many people did not leave the lake until late in the evening, and people coming to this facility and cleaning their boats before storing them would result in an adverse impact, including noise, on her neighborhood; that there was the possibility of certain wildlife habitats being disrupted by the development; that all of the debris and other material washed off those boats would filter down into the streams, causing future harm to the environment; and, that a large concern for her was that no security was planned for the facility.

Jim Stutts, 205 East Deer Run, Apex, NC, stated that he was providing the Board with a petition signed by approximately 30 to 36 residents of the two subdivisions in opposition to the proposal. He stated that the proposed facility was neither essential nor desirable for the public convenience or welfare, and for that reason alone the request should be denied. Mr. Stutts stated that thinking in terms of supply and demand applied to this proposal, the developer had indicated that they had gathered information from six storage locations near Jordan Lake and had found many of the existing facilities to be full or nearly full and therefore they believed there was a need for this proposed facility; that there were now or would soon be nine storage facilities near the Lake; that calls were made to the existing facilities last September and again last week and all had space available; that the developer seemed to be understating the supply of storage space in the area; and, that it appeared as well that the developer's proposal overstated the demand for storage for boats.

Mr. Stutts stated the proposal contained the statement, "According the NC Division of Parks and Recreation Jordan Lake Recreation Area in the year 2005 there were over 600,000 boaters on Jordan Lake and the representative said that it has been growing since then." He stated that he did not know exactly what that meant; did that imply there were 600,000 boats out

there; when the statement said "boaters," were they counting people or boats; and, if they were counting people, then how many people per boat.

Mr. Stutts stated he did know that as of last week in all of North Carolina there were 377,464 registered boats; that the number included the coastal area and all inland areas; that there were 28,116 registered boats in Chatham, Lee, Orange, and Wake Counties combined; that if you assumed an average of two people per boat, and use 300,000 boats in use as a basis, you get an average of 68 boats at each of the twelve docks every day of the year; that he used that Lake often and there were not nearly that many boats on the Lake; and, except for weekends and three or four holidays, the parking lots were rarely that occupied.

Brian McGregor, 85 Doe Court, Apex, NC, stated that he wondered what would happen if this facility did not have the required occupancy to make it successful; that is, what would be proposed next on that property.

Walt Lewis, 25 Senator Atwater Horton Road, Apex, NC, stated that he was the owner of The Extra Garage SSC on the north side of Highway #64 across from the proposed application site and that it was identical to what was being proposed on this application. Mr. Lewis stated the first problem with the application was the location; that in his opinion it would be a very poor location that would create a dangerous driving situation; that as stated in the applicant's traffic study, it would require a double U-turn on Highway #64 for customers coming from the east; that all of the interest for TEG had been from people coming from that area and it was reasonable to think interest in the other facility would be the same; that using the traffic study as a guide, that would mean approximately 200 hazardous U-turns a day; that in addition to those new traffic problems, several other companies already used that crossover every day including a concrete plant with huge concrete trucks, a landscaping nursery with trucks pulling trailers, and a building materials store with large trucks delivering building supplies; that another factor to consider was the weekday/weekend traffic coming from Farrell Boat Storage and TEG customers; that it was already a busy intersection; that it did not make sense to him to add more vehicles pulling boats and/or trailers and having them make U-turns at that intersection; and, that as the area continued to grow as projected, the problem would only become worse.

Mr. Lewis said his second concern with the application was the question of was the business really necessary; that there were three other identical businesses that had recently been built and they had plenty of space available; that as the owner of TEG and on behalf of his customers, he was opposed to the application; that it would only be matter of time before a bad traffic accident happened; and, he did not want it in front of The Extra Garage.

Mr. Lewis stated that several questions needed to be considered: were the current design requirements going to meet the soon-to-be-released Highway #64 Corridor Study including controlled Highway #64 access, increased traffic flow, buffers, setbacks, landscaping, etc; was this a good location for this business with all the potential traffic problems that would be created; did they really need to build identical businesses next door to each other when the surrounding current ones were not full; and, even McDonald's did not build another McDonald's right next door. Mr. Lewis stated that he believed that Chatham County needed to make the safest and best long-term decisions for people traveling its roads and using its existing business facilities, and as such the Commissioners should reject this application.

Chairman Lucier asked what the occupancy was of his storage facility. Mr. Lewis replied he had been advised not to get into specifics, but would say that he had plenty of space. Chairman Lucier asked if Mr. Lewis knew the occupancy of some of the other facilities. Mr. Lewis said without being specific, he understood that those facilities had plenty of space available as well.

Mr. Megginson stated that when a speaker was sworn, they opened themselves to cross-examination, and wondered if Mr. Lewis was compelled to answer the Chairman's questions.

Jep Rose, County Attorney, stated that the speaker did not have to answer the question but simply say he would not answer. Mr. Megginson wondered how Mr. Lewis could say there was plenty of space but not be specific about the amount of space. Mr. Rose stated that the Chairman could couch his question in a different manner.

Chairman Lucier asked Mr. Lewis if his occupancy was more or less than 50%. Mr. Lewis replied it was less than 50%.

Ms. Kost asked what the number was of storage spaces allowed at his facility. Mr. Lewis replied it was approved for 77 individual bays, and that was the number he had.

Patrick O'Neal stated that one of the comments made was that business or office space was preferred in that area; that they would be more than happy to have such space in the area but they were not approved for septic which handicapped them as to what use could be made of the property; and, that the comments regarding the percentage of boats and boat storage, the 600,000 figure used was the "use factor" that had been provided to them and was calculated on daily use.

Chairman Lucier stated that what he was saying was that if a person used their boat 20 times, it was counted 20 times. Mr. O'Neal stated that was correct. He stated that their research had shown that there would be fewer and fewer storage areas approved around Jordan Lake, yet there would be a growing need for such facilities as already proven by the fact that there were already 10 storage areas as well as the growth in the area and the increase of use of the Lake.

Chairman Lucier asked what would be the maximum capacity of this facility. Mr. O'Neal replied 115 boat storage areas and 51 RV storage areas, for a total 166. He stated that based on research, the storage capacity currently available near Jordan Lake would be at capacity in two years; that their planned called for the facility to be built in two or three phases; and, that in regards to security the facility would be fenced with security gates. He appealed to the Board to allow them to develop the property and turn it into tax revenue for the County and to use the property to its highest and best use.

Mr. Megginson stated in regards to an occupancy fee that was suggested earlier, he had believed that when boats or vehicles were stored in a facility that the owner and the storage facility owner had to provide that information. Mr. O'Neal stated he did not know if that was correct, that they had not gotten that far in the process.

Mr. Lewis stated that if the question was did people who registered their boats in one County but stored them in another County had to pay taxes in that County, the answer was yes. He stated that as an owner he was required to submit that information to the Orange County tax office.

Ms. Kost said she believed the law was that the location of the boat or vehicle as of January 1 was what had to be provided.

Commissioner Cross stated that requirement for boats had been ineffective for some time, at least 20 years.

Mr. O'Neal stated in regards to the erosion control, that obviously the method to be used was designed and engineered to high specifications and would meet all requirements.

Chairman Lucier noted that this issue would now go to the Planning Board to be discussed at its June 3rd hearing, and then recommendations from the Planning Board would come back to this Board for consideration.

Chairman Lucier closed the public hearing on the request by Chatham Development Corporation for a Conditional Use B-1 Permit located on Parcel #80203, located off US Highway #64 E, New Hope Township, on approximately 15.16 acres for a boat and recreational vehicle storage facility.

BREAK

The Chairman called for a short break.

Public Hearing on Moratorium Extension: Public hearing to receive public comments on the moratorium extension

Keith Megginson, Planning Director, stated he had emailed the Board a status report, and the date for the Summit was incorrect; that the date was April 11th rather than April 17th.

Chairman Lucier noted that the moratorium was enacted on June 3, 2007, and this was a public hearing to receive comments on whether or not the moratorium should be extended for another six months.

Loyse Hurley, 16 Matchwood, Pittsboro, NC, President of the Chatham Citizens for Effective Communities, stated that she and several other of her board members had actively served on the task forces and subcommittees to work on new and modified ordinances under the moratorium; that all of the volunteers had been working under a great deal of pressure to complete the work load by June 3rd; that the County had provided the services of a professional planner from TJCOG to assist these groups; and, additional time was needed to compile and rewrite the ordinances.

Ms. Hurley outlined the significant progress that had been made: the ERB had prepared the environmental assessment triggers for subdivisions and the buffer amendments to the Watershed ordinance which had already been enacted; the Major Corridor Ordinance Task Force had presented their comprehensive proposals to the Planning Board and that Board was finishing its review and preparing their recommended modifications; that meanwhile, the County had enacted a scenic overlay along those corridors by crating RA-40 zoning; the Green Building Task Force had made recommendations to the subdivision ordinance; the County had purchased additional park land in the northeast and at Camp Maranatha Springs and the Recreation Board was working on a new Recreational Master Plan; the Affordable Housing Task Force had completed their needs assessment and was now working on an affordable housing plan and the necessary ordinance provisions; most of that work ultimately fell under the Subdivision Ordinance and that subcommittee had to wait until the work of other committees had been completed before they could complete their revision of that ordinance; that the Zoning subcommittee had implemented a full review of the zoning requirements and had developed 16 principles to assist them; and, they were awaiting available staff assistance in order to finalize their recommendations.

Ms. Hurley stated that as these committees proceeded, they had found that the project was more complex and comprehensive than anticipated, requiring in-depth research, a more extensive review of the current ordinances and integration with current requirements; that that had been more time-consuming than expected and had required additional professional staff time, assistance and expertise; and, while the citizens had worked long and hard, that professional input was essential. She stated that manpower from current staff and the professional consultant had been insufficient due to their own workload; that all current County work could not stop because of the need to work on those matters; that budget constraints along with that underestimation of the actual time necessary for completion were also factors; and, that that was not fully anticipated when the original completion date was established.

Ms. Hurley stated that there had been some major changes to both water and sewer situations within the past year: the surprising news that the original plans and estimated costs for supplying water to the northeast did not include the running of water lines to the west side of Jordan Lake; the now accepted idea of a consortium for a western intake from the Lake; and, the potential 19 mgd wastewater allocation. She stated that all of that had required careful evaluation and planning in order to manage them in the most effective and fiscally responsible manner. Ms. Hurley stated that all of the ordinances needed to be, at minimum, complimentary and not include confusing material; that that would take additional painstaking time; that the changes required integration into the Land Use Plan; that the Plan was developed many years ago and needed to be thoroughly reviewed in light of any new ordinances, and updated to include all of those revisions and more modern thinking; that the moratorium did not affect those building developments of 25 residential homes or less, and commercial development was excluded; that the large developments that had already obtained approvals were proceeding; and, so, an extension of the moratorium should pose no additional burden on developers.

Ms. Hurley stated that the County needed the extra time to enact thorough and complete ordinances, ones that did not conflict with those ordinances that were not being upgraded, and ones that would include long range planning for the County; that they needed sufficient environmental protections for land, for landowners, and for citizens; that they needed ordinances that provided clear and concise direction for developers; and, that developers needed to know exactly what they needed to do in order to obtain approval for future development.

Ms. Hurley stated that CCEC was therefore requesting that the Board grant an extension of time for the moratorium; that their recommendation was extension for a full year; that the recommendations that were accomplished before June 2009 be implemented as they were completed; that the moratorium could be lifted should those tasks be completed sooner; and, that CCEC requested that the Board grant that extension of time so that those complex requirements could continue to be carefully prepared and not rushed. She stated that in this case, haste would indeed make waste.

Chairman Lucier confirmed that the status report provided by Megginson was a part of the public record of this hearing.

Jim Anderson, 20 W. Colony Place, Suite 180, Durham, NC, Vice President of Homebuilders Association of Durham, Orange and Chatham Counties, stated that he was present to speak against the plans to extend the County's development moratorium; that County staff and volunteers have worked to draft new ordinances governing the development approval process in Chatham County and the HBA appreciates the hard work of these individuals; that during that same time the landowners of Chatham County had also faced challenges; that the original moratorium created a lot of uncertainty about the potential use of land; that this uncertainty not only hurt the property owners of this county, but its businesses and economic development efforts as well; and, at a time of economic stress, the Commissioners should be doing what they could to enhance opportunity, not to frustrate it.

Mr. Anderson stated that the applicable State law (NCGS 153A-344.1) read in part that "Any ordinance renewing or extending a development moratorium must expressly include, at the time of adoption, the findings set forth in subdivisions (1) through (4) of this subsection, including what new facts or conditions warrant the extension." He asked were there new facts, noting there did not seem to be; that it seemed the work outlined in the original moratorium ordinance simply was not finished; that this was not new information; that the reason the State's moratorium statute was enacted was to prevent the kind of deadline delay that was contemplated here; and, that the landowners and businesses in Chatham County had faced enough uncertainty. Mr. Anderson asked that the Board please not extend this moratorium.

Larry Ballas, 139 Indian Creek, Apex, NC, stated that he was not in favor of extending the moratorium; that a year had been spent on it already and not much progress had been made; that they were in a tax situation in the County that would hurt a lot of people and they needed to begin generating the tax base again; that it seemed that many things were conflicting with many other plans, including the Land Use Plan and many of the committees; that the idea had been proposed that many commercial businesses would be brought into the area, and he did not believe that had happened; and, where were the tax dollars going to come from, noting those dollars would not come if the moratorium was continued.

Mr. Ballas stated continuing the moratorium would hurt more than help the people of the County; that much work had been done by the EDC, but asked were they the only group that could do that work, or could others participate including experts from outside the County; that what bothered him most was that if the moratorium was extended then a preliminary report would be provided to the Board, and if they did not like it and made changes, then that would cause even more delays and push the moratorium out even longer; and, that he believed they could work with the plan as it was now and refine it as they went along.

Mr. Ballas stated he was against extending the moratorium because they were losing tax base and they could not keep raising taxes on those citizens already here. He stated that if they continued to delay allowing new construction of homes then they would only be raising the frustration of the citizens and not raising the tax base.

Chairman Lucier stated that the moratorium did not apply to commercial development. Mr. Ballas noted he understood that, but it did prohibit residential developments of 25 units and over. He stated that even though the moratorium did not affect commercial development, there was still a lack of commercial growth, and wondered where the Board thought the tax dollars would come from. Chairman Lucier stated that there were 12,000 houses approved by not yet built, so there was some opportunity coming.

Commissioner Barnes stated if they had the power to reject any developments that came forward they would likely do so, but they did not have that ability. He said the moratorium was

an effort to get some control back in the hands of the County by revising and strengthening the ordinances.

Sally Kost, 1101 New Hope Church Road, Planning Board Chair, stated that there had been three initiatives that had occurred that were beyond the Planning Board's plate, and those were the Major Corridor recommendations, the revisions to the Subdivision regulations, and revisions to the Zoning Ordinance. Ms. Kost stated that members of the Planning Board had volunteered many, many hours on those initiatives and worked with complex issues; that in regards to the Major Corridor, when the report was received they had to deal with the recommendations made by a subcommittee of that task force before they could tackle the project; that at its last meeting the Planning Board had made substantial progress on its recommendations and anticipated reporting on those recommendations at the June 3rd meeting; that they would be reviewing and making recommendations on the non-residential uses along the corridors; that the subdivisions subcommittee had made good progress, but as they began to wrestle with judgment standards the work had slowed down; and, that the Commissioners had made it very clear that they wanted a link between the Board of Education and the approval of subdivisions that generated students for County schools, and they were still wrestling with that since an Adequate Public Facilities Ordinance was not a part of their charge.

Ms. Kost stated that the subdivision subcommittee had outlined a process for reviewing subdivisions which incorporated a model to provide that link, but work was continuing on that; that the Planning Board believed it was important to bring developers of such communities into the process at some point to provide feedback as to the workability of some of the proposals; that from the onset of their work they had expressed the importance of having citizen input into the process, and believed they had learned through the Major Corridor experience how important that was; that they would like to have some type of public hearing to gather public comment; and, an extension of the moratorium would provide them more time to seek that type of input.

Ms. Kost stated that the zoning subcommittee had taken a comprehensive approach to the ordinance and had previously provided to the Commissioners the 16 principles that was guiding their work; and, that they were looking forward to completing their work and were committed to being thorough and careful.

Amy Powell, 467 West Street, Pittsboro, NC, Chair of the Chatham County Affordable Housing Task Force, stated that the Task Force did not get underway with a RFP for the Needs Assessment Update until August 2007, and in the RFP they asked for completion by December 15th; that the needs assessment update was then delayed to allow additional time to conduct additional consumer interviews requested by the Task Force, to analyze permitting data, to provide more in depth analysis on need in 2007 compared to 2002, and to provide a systematic methodology for establishing Affordable Housing recommendations; that the Task Force had felt that the County would get more out of the Affordable Housing Summit if they scheduled it to coincide with the completion of the Needs Assessment Update; and, that those two things occurred last month.

Ms. Powell stated that they planned to continue meeting through the summer with a professional facilitator who would help the group establish recommendations for the County Commissioners in September; that following those recommendations, they hoped to contract with a professional consultant to help them put together an Affordable Housing Plan, followed by a public hearing and any ordinance amendments; that if that consultant piece was put in place then they could plan to begin that work in September, possibly earlier, and have it completed with a Public Hearing and any ordinance amendments by December 31, 2008 or early in 2009.

Chairman Lucier stated that this issue was scheduled to be discussed again at the June 2nd meeting, which was a day meeting beginning at 9 AM.

The Chairman closed the public hearing on the moratorium.

PUBLIC WORKS:

Southeast Chatham County Water District Contract: Consideration of a request to award the Southeast Chatham County Water District - Contract 1, in the amount of \$3,498,271.75 to Sanford Contractors, subject to review by the County Attorney and authorize the Chairman to execute

This item could not be acted on due to insufficient public notice.

Water Intake Service Agreement with Cary and Apex: Consideration of a request to approve Amendment #3 to the Water Intake Service Agreement to extend the agreement until June 30, 2009

David Hughes, Public Works Director, stated that this issue was related to keeping the water service agreement in effect and included a provision to allow the Manager to extend it in future without having to bring it back before the Board. He added that the terms were the same as they had been since 2001.

Chairman Lucier asked what the cost was. Mr. Hughes stated it was 17 cents a thousand.

Commissioner Barnes moved, seconded by Commissioner Cross, to approve Amendment #3 to the Water Intake Service Agreement to extend the agreement to June 30, 2009, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

MANAGER' S REPORTS

The County Manager had no reports.

COMMISSIONERS' REPORTS

Foreclosure Procedures:

Commissioner Thompson stated that at the last meeting they had discussed the foreclosure policy for the County; that given the hard times the County was experiencing that people in dire circumstances needed to have a payment plan to pay their taxes; that it had been said that the tax office would accept any amount of money for such a plan; that he continued to have a concern that there were some people who would fall through the cracks; that with the cost of food and fuel rising, they needed to be particularly careful to make sure that there were not people in the County who were in such dire circumstances that they would actually lose their homes through foreclosure; that he sensed that that might happen through no fault of anyone; that that simply was not acceptable to him; and, that he would like to make sure, at least for his district, that if there was someone that was in the process of having their property foreclosed on then he would like to be notified of that and believed all the Commissioners should do that.

Chairman Lucier stated he believed Commissioner Thompson was suggesting was that of the five districts, that when foreclosures occurred that the appropriate Commissioner be notified so they could make sure the property owner understood what their options were, and perhaps get an opportunity to get out from under that situation.

Commissioner Thompson stated that was correct, noting he believed the Commissioners could be the last line of appeal, and hoped that situation would not occur often. He said he believed it would assist the property owners to go through a process so that they could keep their property.

Commissioner Vanderbeck stated that he believed it was a good idea, stating that at the last meeting it had been reported that the tax office was going to add another 30 days to the process to give property owners extra time before the foreclosure process kicked in. He stated that perhaps the Commissioners could receive notice at the start of that process so that they could be a part of the process and perhaps help broker a deal between the County and the property owner.

Commissioner Thompson stated he believed it would be "horrible" publicity for the County to foreclose on someone who had owned their home for years without making every effort to help them retain that property just because they came upon hard times. He stated he did not believe the County needed the revenue that badly, although there were likely some people who should be foreclosed on.

Commissioner Cross agreed.

The County Manager stated he saw no problem with providing the Commissioners with a list, but believed it would be difficult to determine who had fallen upon hard times and who had simply not paid their taxes.

Commissioner Thompson stated then what the Manager was saying was that they needed to define the term "hard times."

Jep Rose, County Attorney, stated that it would be hard to foreclose on one person but not the other based on some arbitrary terms, although it could be done.

Chairman Lucier asked Mr. Rose to give it some thought, noting he believed there was some merit to the concept Commissioner Thompson had suggested.

Commissioner Thompson stated the long and short of it was that no one wanted to lose their property if they had been paying taxes for many years, and if there was a time period that they had not paid because of some adverse occurrences, he believed it was incumbent upon the County to provide any assistance available.

ADJOURNMENT

Commissioner Thompson moved, seconded by Commissioner Barnes, to adjourn the meeting. The motion carried five (5) to zero (0), and the meeting was adjourned at 10:17 PM.

George Lucier, Chairman

ATTEST:

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