

**MINUTES**  
**CHATHAM COUNTY BOARD OF COMMISSIONERS**  
**REGULAR MEETING**  
**JULY 21, 2008**

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The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met in the District Courtroom, 12 East Street, located in Pittsboro, North Carolina, at 6:00 PM on July 21, 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 6:07 PM.

**AGENDA AND CONSENT AGENDA**

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

Commissioner Vanderbeck that asked that Item #16, Consideration of a request by Polk-Sullivan, LLC for subdivision final plat approval of “The Glens, Phase I” (fka McBane Property), consisting of 9 lots on 15 acres, located off SR #1520, Old Graham Road, Hadley Township, be removed from the Consent Agenda.

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

1. **Minutes:** Consideration of a request for approval of Board Minutes for regular meeting held June 16, 2008 and work session held June 16, 2008

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

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

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

3. **Tax Administration Contracts:** Consideration of a request to approve additional services for RS&M Appraisals for 2009 revaluation

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

4. **Resolution Appointing Review Officer:** Consideration of a request to adopt **Resolution #2008-32 Appointing Review Officer** naming Tina Stone, Chatham County Tax Administrator to perform all responsibilities as required under the appropriate NC General Statutes

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

5. **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. Lola Drive B. Smith Road C. Mannsfield Crescent Way

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

6. **Funds Acceptance for Health Department:** Consideration of a request to accept additional State funds in the amount of \$2,427.00 to ensure continuation of the North Carolina Local Health Department connectivity and networking project

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

7. **Resolution for Addition of Street to Secondary Roads System:** Consideration of a request to adopt **Resolution #2008-33 for the Addition of Streets of Roads to the North Carolina System of Secondary Roads – Oak Bluffs Road, Chilmark Court, and Tisbury Court in the Jones Ferry Landing Subdivision**

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

8. **Chatham County Board of Social Services Reappointment:** Consideration of a request to reappoint Ms. Betty Wilson to the Chatham County Board of Social Services by the full Board

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

9. **Affordable Housing Task Force Appointment:** Consideration of a request to appoint Michele Berger to the Affordable Housing Task Force by the full Board

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

10. **Appearance Commission Appointment:** Consideration of a request to appoint Kimberly Royal to the Appearance Commission by Commissioner Cross

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

11. **Planning Board Appointment:** Consideration of a request to appoint Susan Levy to the Chatham County Planning Board by Commissioner Cross

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

12. **Recreation Advisory Board Reappointment:** Consideration of a request to reappoint Jennifer Sipe to the Recreation Advisory Board by Chairman Lucier

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

13. **Recreation Advisory Board Reappointment:** Consideration of a request to reappoint Joe Frazier to the Recreation Advisory Board by Commissioner Cross

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

14. **The One North Carolina Fund Grant Application:** Consideration of a request to apply for Economic Development grant, attached hereto and by reference made a part hereof.

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

15. **Non-Profit Contract with Chatham Trades:** Consideration of a request to approve the contract between Chatham County and Chatham Trades, Inc. in the amount of \$104,230.00, attached hereto and by reference made a part hereof.

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

- ~~16. **Final Plat Approval of “The Glens, Phase I”:** Consideration of a request by Polk-Sullivan, LLC for subdivision final plat approval of “The Glens, Phase I” (fka~~

~~McBane Property), consisting of 9 lots on 15 acres, located off SR #1520, Old Graham Road, Hadley Township~~

This item was removed from the Consent Agenda.

17. **Final Plat Approval of “Windfall Creek, Phase V”:** Consideration of a request by Dan Sullivan for subdivision final plat approval of “Windfall Creek, Phase V” (fka Pennington, North), consisting of five (5) lots on 20 acres, located off SR #1716, Big Woods Road, New Hope Township

As per the Planning Department and Planning Board (by a unanimous vote), final plat approval was granted with the following condition:

1. The plat not be recorded until staff has received and approved the financial guarantee.

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

18. **Surplus Property Declaration:** 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).

19. **Designation of Voting Delegate to NCACC Annual Conference:** Consideration of a request to designate Commissioner Mike Cross as the Voting Delegate to the 101<sup>st</sup> Annual Conference of the North Carolina Association of County Commissioners to be held in Craven County, NC, August 21-24, 2008

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

#### **END OF CONSENT AGENDA**

#### **PUBLIC INPUT SESSION**

**Bob Knight**, Chimney Rock Road, Sanford, NC, stated that he thinks it is time the taxpayers know how each of the Board members stand on certain issues that can affect the County. He asked the following questions:

1. Weeks ago, I told you what has to be done to fix the impact fee so it would be a fair tax to everyone. Tell us what you have done and why.
2. What stand will you take on well meters?
3. What stand on setting the speed limit at 55 MPH to save gas?
4. What stand on offshore drilling would you take?
5. How about putting voting by district on the November ballot? Why or why not?
6. Are you still planning to return the Land Transfer Tax on the November ballot?
7. What is your present stand on the Major Corridor?
8. Have you taken any steps to combat illegals in the County? Why or why not?
9. What kind of economic development have you brought into the County since you were elected and promised while campaigning?
10. Why do County water meters not hooked up, have a \$15.00 administration fee per month?

Chairman Lucier stated that they appreciate the questions; that some of them are County related; that some are on more of a national scale; that there are a wide variety of questions, some for which the Board has authority and others that it does not.

Mr. Knight asked specifically for an answer to question #10.

The County Manager explained that the administrative fee is for checking the meters even though they may not be hooked up.

### **RURAL OPERATING ASSISTANCE PROGRAM**

#### ***Public Hearing:***

**Public Hearing on the FY 2008-2009 Rural Operating Assistance Program:**  
Public hearing to receive public comments on the FY 2008-2009 Rural Operating Assistance Program

The Chairman opened the floor for public comments.

Helen Stovall, Director of Chatham Transit Network, explained that the North Carolina Department of Transportation Public Transportation Division (NCDOT/PTD) has combined their three operating assistance programs into one application process; that these three programs are Rural General Public (RGP), Elderly and Disabled Transportation Assistance Program (EDTAP), and the Work First Transitional/Employment Transportation Assistance Program; that the EDTAP funds are used to provide additional transportation services for the elderly and disabled, exceeding the quantity of trips provided prior to receipt of the funds; that the Work First Transitional/Employment Transportation Assistance program supports general employment transportation needs and transitional transportation needs of Work First participants after eligibility for cash assistance has concluded; that the Rural General Public funds must be used in a manner consistent with the local General Public Service Plan already approved and on file with NCDOT/PTD.

Ms. Stovall stated that county governments are the only eligible applicants for these funds; that it is the responsibility of the County Commissioners to sub-allocate and distribute the funds to local agencies; that the NCDOT/PTD has allocated a total of \$87,140 in Rural General Public (RGP) funds to Chatham County for FY 2008-2009; that this includes both regular formula allocation funding and supplemental funds available this year; that the RGP funds can only be sub-allocated by the County to the Section 5311 Community Transportation System which is Chatham Transit Network (CTN); that these funds require a local match which is provided to CTN by United Way of Chatham County; that the Work First Transitional/Employment funds can be allocated to either Chatham Transit Network or Department of Social Services; that in Chatham County, Chatham Transit Network has always received these funds; that the total amount allocated for Chatham County in both formula funding and supplemental funds is \$14,559; and that with the Job Access Reverse Commute project having ended, the additional supplemental funds will help greatly in supporting employment transportation in Chatham County.

She explained that the EDTAP allocation for the County including this years supplemental funding is \$80,703; and that at this time, the Board of Director's of Chatham Transit Network is making no recommendation for the sub-allocation of EDTAP funds. She stated the CTN Board will meet on July 23, 2008 to receive requests from those interested in receiving EDTAP funds and that those requests will be reviewed and brought before the Board of Commissioners for final approval at a later time.

Chairman Lucier asked Ms. Stoval if she felt that Chatham County was getting a "fair shake" with the formula. Ms. Stoval replied that she did not. She further explained that she had talked about it with Speaker Hackney about how they formulate this; that the State Legislature decided on the EDTAP money; that the formula has not been reexamined in twelve years; that they have requested that they do that; that the formula for the ROAP and Work First position is set by the Public Transportation Division and she has also requested that they reexamine their formula.

Chairman Lucier stated that when they met with Senator Atwater and Speaker Hackney in March, this was one of the topics they discussed; that it is now time, after twelve

years, to reexamine the formula; and that they will continue to push it the next time they meet with the County's representatives.

Commissioner Thompson asked about the \$80,000 in supplemental funding EDTAP funds. Ms. Stoval stated that they would receive requests and return to the Board of Commissioners with recommendations and ask the Board to vote on those separately they would receive requests and return to the Board of Commissioners with recommendations and ask the Board to vote on those separately.

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

The Chairman closed the public hearing.

**FY 2008-2009 Rural Operating Assistance Program:** Consideration of a request to approve the recommendations of the Transportation Advisory Board for the allocation of ROAP funds

Commissioner Vanderbeck moved, seconded by Commissioner Barnes, to approve the recommendations for the sub-allocation of ROAP funds as presented. The motion carried five (5) to zero (0). The Certified Statement for the Rural Operating Assistance Program is attached hereto and by reference made a part hereof.

### **PLANNING AND ZONING**

**Request for Extension for Norwoods/Feltons Subdivision:** Consideration of a request by Nicolas P. Robinson, Attorney-at-Law on behalf of Harrison Pond, LLC, and the Norwoods and Feltons, for a one (1) year extension of the development schedule deadlines for the Norwood/Felton Subdivision extending the deadline for preliminary plat submission from July 31, 2008 to July 31, 2009 and final plat submission from January, 2009 to January, 2010

A discussion ensued regarding the Planning Board abstentions.

After further discussion and as per the Planning Department and Planning Board (by a vote of 6 in favor, 1 against, and 3 abstentions), Commissioner Thompson moved, seconded by Commissioner Cross, that the request for a one-year extension of the existing development deadlines be granted on the preliminary and final plat submissions. The motion carried five (5) to zero (0).

**Request for Revision of Conditional Use Permit for Polk Center:** Consideration of 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 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

Brantley Powell answered questions from Commissioner Vanderbeck regarding the traffic analysis, driveway cuts, and building plans. Commissioner Vanderbeck asked that if the extension was granted, he would like for it to move along in an expeditious way.

As per the Planning Department and Planning Board (by a vote of 8-1-1), Commissioner Vanderbeck moved, seconded by Commissioner Barnes, to adopt **Resolution #2008-34 Approving an Application for a Revision to an Existing Conditional Use Permit Requested by Jerry Turner & Associates on Behalf of HBP Properties, Inc.** attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

**Request for Extension of Conditional Use Permit:** Consideration of a request by Nicolas Robinson, Attorney-at-Law, on behalf of Baycorp Development, Inc. for an 18-month extension of their Conditional Use Permit for property located near the corner of US #15-501 N and Mann's Chapel Road, Parcel #2641, Williams Township owned by Mann's Chapel, LLC

As per the Planning Department and Planning Board (by a vote of 8-2), Commissioner Vanderbeck moved, seconded by Commissioner Thompson, to approve a twelve month and final extension request with the stipulation/s as follows:

1. This permit shall expire in 12 months (October 17, 2010) from the latest approval date as approved by the Board of Commissioners unless a building permit is issued. There shall be valid building permits for the project at all times or the Conditional Use Permit shall automatically expire.

The motion carried four (4) to one (1) with Commissioner Cross opposing.

***Public Hearings:***

The Chairman administered the oath to those in attendance who wished to make public comments.

**Public Hearing on Text Amendment to Chatham County Zoning Ordinance:** Public hearing to receive public comments on a request by Richard Weston-Jones for a text amendment to the Chatham County Zoning Ordinance, Section 10, Item/s 10.1 RA-5; 10.2 RA-90; 10.3 RA-40 residential/agricultural lists of permitted uses specifically for “bed and breakfast inns” to add additional language to say “an owner occupied and operated home Bed and Breakfast with no more than two rooms (units) for rent with a minimum lot area of one and one half (1.5) acres” be permitted. Also add to Section 14 Neighborhood Home Occupations (A) “owner-occupied and operated home Bed and Breakfasts with no more than two rooms (units) for rent with a minimum lot area of one and one half (1.5) acres.

**Richard Weston-Jones**, 250 Amber Wood Run, Chapel Hill, NC, stated that there was a typographical error in his submission and part of it may not make sense; that the language under Section 14 is incorrect; that there are two types of bed and breakfasts, an inn and a home; that Chatham County has treated them as the same; that bed and breakfast inns are often not owner occupied and operated; that in different counties, they can have up to twenty bedrooms; that the traditional and bed and breakfast homes have a different number of bedrooms, depending on where they are located; that in Orange County there are several different types of bed and breakfasts; that the state has two categories; that there is also a cap on the number of guests; that it doesn’t make sense for the land requirements for a large commercial development to apply to small bed and breakfasts; and that the acreage could be cut in half for the smaller bed and breakfast home. Mr. Weston-Jones presented a chart reviewing the specifics of surrounding counties.

Dave Klarmann, Planning Board member, asked questions of Mr. Weston-Jones.

Commissioner Vanderbeck asked for legal clarification from the County Attorney with regard to Mr. Weston-Jones’ comment that he had erred in getting the language correct for the public hearing.

The County Attorney stated that he didn’t think that it was a material change and could proceed.

The Chairman closed the public hearing.

**Public Hearing on Text Amendment to Chatham County Zoning Ordinance:** Public hearing to receive public comments on a request by William Jeffrey House for a text amendment to the Chatham County Zoning Ordinance, Section 10, Item 10.5.A B-1 Business List of Permitted Uses to add “public and private recreation camps and grounds” as a permitted used in the district

**Cindy Perry**, PO Box 147, Pittsboro, NC, stated that she represents the House Family; that this is a three-part request; that camps and grounds are not permitted in a B-1 district; that a B-1 district is required for the boat storage facility; that permitting campgrounds under B-1 is a good move because they are often accompanied by ancillary businesses such as bait and convenience store; that they are suggesting just adding it as an allowed use under B-1; that with regard to Item #28, rezoning Parcel #11257 consisting of

approximately 10.35 acres, Haw River Township, located at 284 Moncure School Road, from RA-40 Residential/Agricultural to CU-B1 Conditional Use Business, the next request is to rezone and re-designate the property as a B-1 district; that these uses are appropriate together; that with regard to Item #29, a request by William Jeffrey House for a Conditional Use B-1 Business permit for a public and private recreational camps and grounds and boat, motorhome, camper, trailer, and recreational vehicle storage on approximately 10.35 acres, Haw River Township, located at 284 Moncure School Road is for conditional use permits specifically; that the boat storage would include boats, RVs, campers; and other vehicles typical of the campground; and that the community supports this family. Ms. Perry presented over sixty letters of support to the Clerk from neighbors and friends stating that the same level of support had been at each of the three prior public hearings.

Ms. Perry answered questions from the Planning Board.

**Kenneth Jeffries**, 140 Moncure School Road, Moncure, NC, stated that he is an adjoining neighbor; that he is supportive of the project; and that he knows it will be a quality project.

**Ron Brown**, 104 Moncure School Road, Moncure, NC, stated that he believed this to be a worthy cause; that he has been a neighbor for at least thirty years; and that the proceeds will help support the House's handicapped child.

The Chairman closed the public hearing.

**Public Hearing to Rezone Acreage in Haw River Township:** Public hearing to receive public comments on a request by William Jeffrey House to rezone Parcel #11257 consisting of approximately 10.35 acres, Haw River Township, located at 284 Moncure School Road, from RA-40 Residential/Agricultural to CU-B1 Conditional Use Business

**Kenneth Jeffries**, 140 Moncure School Road, Moncure, NC, stated that he would like to lend his support to the project.

**Ron Brown**, 104 Moncure School Road, Moncure, NC, stated that he supported the project and that the House's property is well kept.

The Chairman closed the public hearing.

**Public Hearing for Conditional Use B-1 Business Permit:** Public hearing to receive public comments on a request by William Jeffrey House for a Conditional Use B-1 Business permit for a public and private recreational camps and grounds and boat, motorhome, camper, trailer, and recreational vehicle storage on approximately 10.35 acres, Haw River Township, located at 284 Moncure School Road

**Kenneth Jeffries**, 140 Moncure School Road, Moncure, NC, stated that he supports the project.

**Ron Brown**, 104 Moncure School Road, Moncure, NC, stated that he supports the proposal.

The Chairman closed the public hearing.

**Public Hearing to Rezone Acreage in Cape Fear Township:** Public hearing to receive public comments on a request by Doug & Cindy Carroll to rezone Parcel #5241 consisting of approximately 22.14 acres, Cape Fear Township, located at 2312 Pea Ridge Road, from RA-40 Residential/Agricultural to CU-O & I Conditional Use Office & Institutional

**Percy Raines**, 205 Emerald Pond Lane, Apt. #318, Durham, NC, stated that he is in favor of the proposal.

**Cindy Carroll**, 2312 Pea Ridge Road, New Hill, NC, stated that she is the petitioner; that they own a bed and breakfast home with four guest bedrooms; that this request is for weddings and receptions; that it is a good ancillary business; that there is a shortage of

wedding venues in the Triangle; and that there would be little environmental impact. Ms. Carroll invited the Board to come for a visit at any time.

The Chairman closed the public hearing.

**Public Hearing for Conditional Use Office & Institutional Permit:** Public hearing to receive public comments on a request by Doug and Cindy Carroll for a Conditional Use Office & Institutional permit for inns including accessory eating and drinking and personal service, training and conference centers which include various events, and a contractor's storage yard on approximately 22.14 acres located at 2312 Pea Ridge Road, Cape Fear Township

**Sue Diggs**, 2446 Pea Ridge Road, New Hill, NC, stated that this property is located behind her property; that the property is beautiful; that this is a good thing for Chatham County; that the owners are good people; that it would be a big plus for Chatham to draw corporations and other groups with different activities;

Commissioner Vanderbeck asked about the contractor's storage yard included in the application.

**Cindy Carroll**, 2312 Pea Ridge Road, New Hill, NC, stated that the contractor's storage yard really did not fit in with their usage. She stated that all of the food that would be served at an event would be served by licensed, insured, caterers who have proper insurance, licenses, and sanitation grades; that they are under contract with them; that they have provided them with certificates of their insurance and copies of their sanitation grades so that they can be sure that anyone who ingests any food there, is given a good quality product from a licensed company.

**Doug Carroll**, 2312 Pea Ridge Road, New Hill, NC, stated that he had left-over equipment which had not been sold from a former business that was stored on the back side of the property until it could be disposed of.

**Janie Roberson**, 2355 Pea Ridge Road, New Hill, NC, stated that she is very partial to the property and it is special to her; that it was her family's land and the Carroll's have built a beautiful establishment; that it is run very well; and that her daughter was married there in October.

The Chairman closed the public hearing.

**Public Hearing for Amendment to Existing Conditional Use B-1 Permit:** Public hearing to receive public comments on a request by Jack Michenfelder for an amendment to the existing Conditional Use B-1 Permit for a nursery, garden center, retail shop, and landscaping business to allow the sale of Parcel #17707, New Hope Township, located at 10544 US 64 E, Apex, NC

**Jean Fish**, 209 Senator Atwater Horton Road, Apex, NC, stated that this property adjoins this proposal; that she is against being squeezed in between two commercial properties; that one of her siblings sold some of this property for commercial use; and that it is land inherited at her parents' death. It was determined that Ms. Fish was speaking on an incorrect parcel of property.

**Jack Michenfelder**, owner of the property, stated that he wants to remove the conditions on the property so that the parcels can be sold separately.

Commissioner Barnes gave a brief history lesson on the land and buildings.

**Public Hearing for Conditional Use Permit:** Public hearing to receive public comments on a request by Scott Schultz and Diana Dodge for a Conditional Use Permit in an RA-40 Residential/Agricultural District on approximately 5.45 acres of a 16 acre tract, Hadley Township, located at 6545 NC 87 N, Pittsboro, NC for a boarding kennel

**John Harris**, 5112 Bur Oak Circle, Raleigh, NC, stated that his clients love animals and want to establish a boarding kennel; that the original tract is a large piece of property for

a kennel; that the idea is to take it down and create as much buffer from the neighbors as possible; that any time you mention a kennel, barking dogs is mentioned; that there is a 300-400 foot buffer around the kennel; that the plantings may be to an excess but now there is a lot of brush; that this is an a rural area with farmland around it;

**Scott Schultz**, 6545 NC 87 North, Pittsboro, NC, stated that there is a possibility of 75 individual (indoor-outdoor) dog runs and 12 cat condos. He stated that the request is based on phases; that because of the growth, it is based on demographics; that they are trying to do this to hold the idea for the future for the 75 dogs; that on the off-months, they may have only 16 dogs (January and February); that during spring break and vacations in the summertime, that is when they will have more dogs; that there will be some indoor-outdoor runs; that they hope to offer some small outdoor area in hopes to offer daycare; that there is a stream on the far northern end of the property line and wraps around the entire back; that the ten-gallon water usage per day is based on Department of Environmental Resources; that they are looking into a wet-vac disinfectant system which uses approximately one quarter of the amount of water; that it will cost them more water, but will be a better conservator; that because of the high-end developments located in the County, many of the clientele will drive twenty-thirty miles to a good facility with which they feel comfortable; that they are trying to keep these people in Chatham County; that the business is totally seasonable, but they expect to have one, fulltime employee per ten dogs; that in the high-peak season, they may have as many as six-seven employees.

An unidentified person stated that he was originally from Los Angeles, California; that they did a study there which showed that evergreen needles detract sound (noise from the freeway) better than anything else.

**Donna L. Holt**, 4546 NC 87 North, Pittsboro, NC, stated that she owns the adjacent property on the south side, and that her renters in the house on her property were concerned about the noise factor. She stated that she wanted to be a good neighbor; that she is also a farmer; and that she would like to know how often the dogs would be outside, especially at night.

**Scott Schultz** stated the dogs will be inside after dark and/or after feeding time. He explained that they would use as much baffling and sound-resistant material as necessary for a boarding facility; that they live on the property, and that if the need arises, they can be there immediately.

**Diane Dodge Schultz**, 6545 NC 87 North, Pittsboro, NC, clarified the time that the dogs would be inside stating that they understood the stresses the dogs would be under; that there would be some soothing music or a water feature; and that they would do whatever they could to keep the dogs stress-free to reduce the noise level.

The Chairman closed the public hearing.

### **BREAK**

The Chairman called for a short break.

### **MANAGER' S REPORTS**

The County Manager reported on the following:

#### **Resolution to Exempt Environmental Performance Standards for Steep Slopes and Natural Resource and Wildlife Habitat:**

Commissioner Vanderbeck moved, seconded by Commissioner Thompson, to adopt **Resolution #2008-35 to Exempt Environmental Performance Standards for Steep Slopes and Natural Resource and Wildlife Habitat**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

## **COMMISSIONERS' REPORTS**

### **Chatham Hospital Open House:**

Commissioner Thompson reported that there were over 2,000 attending the new Chatham Hospital open house and that he feels the hospital will do well for the business park.

### **Nuclear Regulatory Commission:**

Commissioner Vanderbeck stated that Orange County would be bringing forth a resolution in support of the suspension of the current Harris licensing process and deadline until the NRC application is complete; that the current NRC deadline is currently set for August 4<sup>th</sup> for the new reactor process; that they are asking for more details regarding more water use at the Harris Plant, lake levels, and withdrawals from the Cape Fear River; that this is one of the major environmental impacts that even the NRC staff states warrants more details; that the availability of adequate cooling water is a significant constraint to safe shutdown of the proposed reactors; that without a clear plan on how water will be provided, they feel that the application is incomplete; that he thinks it is a potential health safety concern; and that they are asking the Board for their support.

Chairman Lucier stated that he thought that Orange County was going to deal with the second motion which is not in the Chatham's purview; that he thought that the points that were made with regard to environmental issues were legitimate ones and that he concurs fully with them; that he thinks it is a bit rushed with environmental issues that have not been adequately addressed; that Harris Lake Dam is in Chatham County and will affect Chatham County land; that he would like to stay away from the reactor matter itself because he doesn't feel comfortable commenting on it; however, he does feel comfortable commenting on the environmental issues.

Commissioner Vanderbeck stated that there were natural heritage "critters" in the area that might be impacted; that the main thrust is for a plan for adequate cooling water in the event of the need for a safe shutdown.

Commissioner Thompson asked the specifics of what Commissioner Vanderbeck was asking.

Commissioner Vanderbeck stated that he was basically asking that the Board support this part of this motion; that because they are heavy on the environmental impacts and the fact that it is in Chatham's backyard, that it is not asking for much to tell the NRC that the Board sees a need for a plan; and that they need to suspend their deadline on this until it is given. He stated that the Board would be supporting the submitted motion to the NRC and it could be limited to the part that suspends the license process and current deadline until their application is complete with the details of water usage at the Harris Plant, lake levels, or withdrawals from the Cape Fear River. He further stated that that would be a significant constraint to safe shutdown to proposed reactors without a clear plan on how water would be provided; and that the application is incomplete.

Commissioner Barnes stated that he didn't think the Board should get involved with this; that this is not a County issue; that it is State and federal level; that he has faith in DEHNR and the other agencies that are looking after this; and that he doesn't think that it is appropriate.

Commissioner Cross added that he has lived on the land since the second year it was built; that he lives across from the dam; that at the point of his property it is 65 feet deep in Buckhorn Creek; that he has never, in twenty-one years, seen the lake below four feet; that if they put in another reactor, it would raise the level twenty more feet of elevation which was the original plan; that it is already surveyed and marked and has been since the lake was filled; that the actual cooling lake is what is seen from US Highway #1; that if they are allowed to build more reactors they will have to raise the water twenty more feet which will be up to the cooling levels; that they have also had a request from Western Wake Partnership to look into routing all of the treated wastewater down US #1 and into the cooling tower; and that he is comfortable that there will be no water problem on that lake.

Commissioner Barnes stated that it was originally designed for four reactors; that there is now one reactor and one cooling tower; that there is a foundation for the second reactor totally completed; that it was covered with dirt when it was completed; that the foundation for the third reactor was almost completed and then it was covered; that he doesn't know if foundation number two will be used when the next plant is built; that the lake is capable of handling the second reactor and cooling tower; that all the work that has been done is more than adequate; that if the cooling towers needed more water than was originally planned, then that would be something that would need to be discussed; however, as far as the lake needing capacity or being a problem, that he knows Progress Energy well enough to know that it will not be done shoddy or half way; and that he feels that the Board is getting into something that is inappropriate for a board of commissioners.

Commissioner Cross stated that getting water from the Cape Fear River was part of the original plan before they decided to condemn the final land for the lake; that Progress Energy does own property all the way from that lake to the Cape Fear; that he doesn't think that is part of the plan now; and that he attends their meetings every year and has been assured for the last two years that if they build another reactor the lake will be raised.

Chairman Lucier stated that they do require developers to do environmental assessments prior to any development; that what they are asking is the same thing of Progress Energy; that the dam is in Chatham County; that it may turn out there is no issue, but he is confident that there is a problem; that he thinks more information needs to be presented to fully document rather than to just give a reassurance that there isn't a problem; that he thinks that they the Board needs to be certain that it is worded appropriately; that they are asking for answers to these questions; and that he feels that it is an appropriate request for the Commissioners to make.

Commissioner Vanderbeck stated that he didn't doubt what the Commissioners are saying with regard to what was in the original plan to use this and part of the Cape Fear given that they are going for potentially two more reactors; that he doesn't know that these are new designs; that they may require even more cooling water; that they are not saying if they will or will not; that given the drought conditions, everyone is looking at water differently now; that what people never would have expected, lake levels plunged; that they may not have done so in Harris Lake, but they did in other areas; that people downstream on the Cape Fear River may be looking at their source of water much differently, despite plans made with the Harris Plant many years before, possibly to tap into the source; that he is just asking that they come up with a plan that would show adequate cooling space. He stated that he respected what the other Commissioners are saying and that he has no problem with it.

Commissioner Thompson stated that he thought it was significant that the NRC has asked for additional information. He asked if they were asking for the approval process to be suspended until they submit the additional information.

Commissioner Vanderbeck stated that they would need to complete the application as proposed and give the details of the water usage at the plant and lake levels and withdrawal from the Cape Fear River. He stated that the process ends on August 4<sup>th</sup>. He stated that he could send in a letter personally, as well as all those who support it, or that it can be done as a Board.

Commissioner Barnes affirmed that he was not going to support it. Commissioner Vanderbeck replied that he understood and it was fine.

Commissioner Thompson stated that he wished he had more time to think about it; that he is comfortable with making the case for asking for more information and making the case that they, as Commissioners, need that information from the NRC; that he is comfortable doing that and not asking for more; that he is not certain if that will satisfy what Commissioner Vanderbeck wants. Commissioner Vanderbeck stated that if he was uncomfortable with it, then he would not push it and that he wanted everyone to be comfortable with it.

Commissioner Cross stated that the Board had known about this for at least two years; that if they wanted the information, then they should have requested it within the time

period; and that the NRC's job is to oversee what they are doing, and that he has total trust that they can do their job.

Commissioner Vanderbeck stated that the GAO Report said that the NRC was lax in their oversight of the plan which can be taken a number of ways; that since it is uncomfortable to part of the Board as written, he is comfortable in writing in on his own behalf.

Chairman Lucier stated that that was probably the best thing; that he felt that any of these types of actions wherein the Board is not unanimously opposed to it is probably of little use to do it. He stated that if Commissioner Vanderbeck and he wanted to write something and then Commissioner Thompson wanted to write something, that was fine; that if it was a 3-2 or 2-3 vote, then it would not carry much weight anyway.

Commissioner Vanderbeck agreed stating that he was sorry this was late and that the time was late, but that some of the things in the process, he did not know about for two years; and that he will try to be more informed in the future.

By consensus, the Board decided that if individual members wanted to write a letter to the NRC to suspend the Shearon Harris license process and deadline until the NRC application is actually complete they could do so, but that it would not be acted on as a Board.

**Major Corridor:**

Chairman Lucier asked if each of the Commissioners had received the Subdivisions, Zoning and Environmental Ordinances Schedule.

The County Manager stated that it had been sent out, but that he would resend it.

A copy of the schedule is attached hereto and by reference made a part hereof.

**ADJOURNMENT**

Commissioner Barnes moved, seconded by Commissioner Vanderbeck, to adjourn as the Chatham County Board of Commissioners. The motion carried five (5) to zero (0), and the meeting was adjourned at 9:03 PM.

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George Lucier, Chairman

ATTEST:

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