

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
APRIL 20, 2009

The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met in the Superior Courtroom, 1 Hillsboro Street, located in Pittsboro, North Carolina, at 6:00 PM on April 20, 2009.

Present: Chairman George Lucier; Vice Chair, Sally Kost; Commissioners Mike Cross, Carl Thompson, and Tom Vanderbeck, County Manager, Charlie Horne; County Attorney, Jep Rose; and Clerk to the Board, Sandra B. Sublett

CALL TO ORDER

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

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.

AGENDA AND CONSENT AGENDA

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

Commissioner Kost asked that Item #4, Approval of “Recovery Act: Assistance to Rural Law Enforcement to Combat Crime and Drugs” grant application to fund two sworn-officer positions be removed from the Consent Agenda and placed on the Regular Agenda for discussion.

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

1. **Minutes:** Approval of Board Minutes for Regular Meeting held April 06, 2009 and Work Session held April 06, 2009

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

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

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

3. **Chatham County Library Board Revised Bylaws:** Approval of Chatham County Library Board revised bylaws, attached hereto and by reference made a part hereof.

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

4. ~~**Grant Application Approval for Sheriff's Office:** Approval of “Recovery Act: Assistance to Rural Law Enforcement to Combat Crime and Drugs” grant application to fund two sworn-officer positions, application attached hereto and by reference made a part hereof.~~

This item was removed from the Consent Agenda and placed on the Regular Agenda for discussion.

5. **Grant Application Approval for Sheriff's Office:** Approval of a request to apply for the Edward Byrne Memorial Justice Assistance Grant Local Solicitation in the amount of \$44,746, application attached hereto and by reference made a part hereof.

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

6. **Resolution Opposing Senate Bill 758:** Approval of a request to adopt **Resolution #2009-36 Opposing Senate Bill 758 and the Transfer of Secondary Roads to Counties**, an act requiring that counties take on the responsibility of construction, maintenance and operation of secondary public roads within each county, attached hereto and by reference made a part hereof.

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

END OF CONSENT AGENDA

PUBLIC INPUT SESSION

Kathy Hodges, 200 East Street, Pittsboro, NC, Director of Family Violence and Rape Crisis Services, thanked the Board for the support of their agency and the work they are doing with regard to sexual violence in the community. She also thanked the Board for designating April as "Sexual Assault Awareness Month", and stated that they are doing many things to prevent sexual assault in the community including the "bandana project".

Maria Pavon, 200 East Street, Pittsboro, NC, thanked the Board for allowing her the opportunity to present her project, "The Bandana Project – Raising Awareness". She stated that the purpose of the bandana project is to raise awareness of sexual violence in the community against children and families; that a bandana is traditionally used by farm-worker women in rural areas to show support to victims whose shame and fear prevents them from taking action; that it is a symbol of covering one's mouth and not talking about sexual abuse which they are going through; that the purpose of the project is to provide outreach and education in Chatham County; and that the bandanas were done by survivors of sexual abuse.

Chairman Lucier thanked Ms. Pavon for attending the meeting. He stated that no one should live in fear of domestic violence, and thanked her for sharing her message and the story of the bandanas.

Melvin Montford, 4814 Mandavilla Way, Apex, NC, stated that as a member of and on behalf of the Woodworkers Local Lodge W369 of the International Association of Machinists and Aerospace Workers, they respectfully thank each of the Board members for their support by unanimously adopting "Resolution to urge Negotiations Between Moncure Plywood LLC/Atlas Holdings LLC and the International Association of Machinists Local W369" on March 16, 2009. He stated that the striking workers recently returned to work; that they were thankful for the Board's intervention on their behalf; and that unfortunately, one of the striking workers, James Thompson, recently passed away. On behalf of Mr. Thompson and the other members, he presented a signed petition thanking the Board for their support.

Chairman Lucier thanked Mr. Montford and stated that the Board of Commissioners was glad to do what it could to help and offered condolences to the family and friends of Mr. Thompson.

Lewis E. Cameron, 788 Marks Road, Cameron, NC, stated that as president of the local union at Moncure Plywood, he wanted to personally thank the Board for their assistance in their struggle to return to where they rightfully belong; that they are going to try

to get the plant back on track, up and running, and back making money; and that they hope that it will be a viable business in Chatham County for a long time to come.

Gloria Benson, 232 Rocky Falls Road, Sanford, NC, stated that she was in attendance to speak about the 15/501 highway corridor between Pittsboro and the Lee County line and that she is representing seven neighboring families and herself. She stated that they first wished to thank the County for its willingness to plant a screen around the Asbury Recycling Center and to reduce the amount of lighting at the recycling center; that her second reason for speaking concerns both, signs that are located in the 15/501 corridor and the Chatham County Sign Ordinance; that approximately two months ago, they sent a letter to the Commissioners asking for the sign ordinance to be enforced in that part of the 15/501 corridor that is within the County's jurisdiction; that on Marcy 18th, they received a letter from the Chatham County Zoning Administrator who stated that the 1998 sign ordinance applied only to zoned areas of the County and that signs placed in the 15/501 corridor prior to the November 19, 2007 zoning of the corridor were exempt from the ordinance.

She stated that in Article III, the sign ordinance says that the ordinance shall apply to the "unincorporated areas of Chatham County" and if it does, will the Commissioners see that all non-conforming signs in the 15/501 corridor are removed as soon as possible? She stated that this includes especially three signs that have appeared to have outlived their usefulness: 1) The first is the "motorcycles are everywhere" sign just north of the 3M plant; that this sign is faded, leaning forward and soon will be falling apart; 2) The second sign is an Aycock Realty sign placed across from the 3M plant when it was opened; that it advertises furnished mobile homes; that because the 3M labor force has long been hired, it appears this sign no longer is needed; 3) The third sign is a "lots for sale" at the entry to Walter Bright Road; that these lots have long been auctioned and the sign no longer is needed; that if the commissioners decide the 1998 sign ordinance does grandfather these three signs, then they ask the County to request the NC Department of Transportation to remove the signs for the reasons as stated; that as far as the sign ordinance itself is concerned, they encourage the Commissioners to rewrite the ordinance and make clear that the ordinance applies to all "off-premise" signs within the rights-of-way; and that they refer specifically to Section 103 (Signs Prohibited) Article II (Purpose & Scope) and Article V (Definitions).

Chairman Lucier asked the County Attorney to look into this matter with the Planning Department to see if the Sign Ordinance does apply to unzoned and unincorporated areas of the County and return to the Board with a recommendation.

BOARD OF COMMISSIONERS' MATTERS

Resolution Honoring the Northwood High School Basketball Team: Approval of a Resolution Honoring the Northwood High School Basketball Team

The Chairman read the resolution in its entirety.

Coach Frazier thanked the Board for the recognition and stated the team played hard for themselves, their school, and Chatham County.

Commissioner Cross moved, seconded by Commissioner Vanderbeck, to adopt **Resolution #2009-37 Honoring the Northwood High School Basketball Team**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Resolution Proclaiming Children's Mental Health Awareness Day: Approval of a Resolution Proclaiming Children's Mental Health Awareness Day in Chatham County

Commissioner Vanderbeck moved, seconded by Commissioner Thompson, to adopt **Resolution #2009-38 Proclaiming May 7, 2009 as Children's Mental Health Awareness Day in Chatham County**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Western Wake Wastewater Environmental Impact Statement: Recommendation from the Chatham County Environmental Review Board

The Chairman explained that a regional wastewater treatment plant is to be constructed and the transmission lines will cross through eight miles of Chatham County with the discharge below Buckhorn Dam and the upper Cape Fear River Basin. He stated that the Environmental Review Board (ERB) reviewed the draft Environmental Impact Statement (EIS) to determine what impacts the construction of this facility would have on Chatham County; that the Environmental Review Board has provided comments on the findings of the EIS and would like for the Board of Commissioners to make comments to the appropriate agencies, including the lead agencies: the US Army Corps of Engineers, Wilmington District and the NC Division of Water Quality and the Western Wake Partners.

Commissioner Kost thanked the Environmental Review Board for reviewing the document.

Commissioner Vanderbeck asked that a copy be distributed to the Town Hall and a library for citizen review.

Commissioner Thompson moved, seconded by Commissioner Vanderbeck, to submit comments to the appropriate agencies including the US Army Corps of Engineers, Wilmington District and the NC Division of Water Quality and the Western Wake Partners. The motion carried five (5) to zero (0).

A copy of the Environmental Review Board is as follows in its entirety:

**Environmental Review Board Recommendations to the
Chatham County Board of Commissioners
April 17, 2009**

Western Wake WWTP Draft EIS: February, 2009

The Environmental Review Board has reviewed the Draft Environmental Impact Statement for the Western Wake Regional Wastewater Management Facilities, February 2009 and has the following recommendations for the Board of Commissioners:

1. The Environmental Review Board recommends that Chatham County request and receive from the lead agencies all pertinent environmental documentation and individual permit correspondence described in the Environmental Impact Statement (EIS) presented to and generated by the US Army Corps of Engineers, Wilmington District and the NC Division of Water Quality (DWQ). This information pertains to the environmental impacts in Chatham County associated with the effluent transmission line and the bank discharge structure at the Cape Fear River below Buckhorn Dam.

The following statement in the EIS generally describes the SEPA process and related documentation:

*“Concurrently in late 2005, the Partners began discussion with US Army Corps of Engineers (USACE) regarding their regulatory process for reviewing and permitting conveyance and other facilities which could impact wetlands and streams. **The Corps indicated that they would be developing a separate environmental document to support their permitting** which would be based largely on the SEPA EIS. The Partners submitted an application for a 404 permit for their activities in June 2006, and USACE published a notice of this application later that month. The USACE also received significant public comment on their public notice.”*

The lead agency contact information is as follows:

US Army Corps of Engineers - Wilmington District
Henry M. Wicker, Jr.

(910) 251-4930
Henry.M.Wicker.JR@saw02.usace.army.mil
NC Division of Water Quality
Jennifer Haynie
(919) 715-6223
Jennifer.Haynie@ncmail.net

2. The Environmental Review Board recommends that the lead agencies submit scientific evidence to the county to substantiate the following EIS statement related to the cumulative impacts on the water quality of the Cape Fear River:

“This SCI analysis will also show that there is sufficient assimilative capacity in the Cape Fear River to permit Chatham County and other downstream communities to grow as they plan.”

Economic Development Corporation Appointments: Approval of a recommendation by the Chatham County Economic Development Corporation (EDC) Nominating Committee to appoint the following to the Chatham County Economic Development Corporation:

John E. Hammond, Edward A. (Ned) Kelly, Daniel W. Sundberg, Drew Weniger

Commissioner Kost moved, seconded by Commissioner Cross, to approve the appointments of John E. Hammond (Commissioner Kost’s nomination), Edward A. (Ned) Kelly, Daniel W. Sundberg, and Drew Weniger, to the Economic Development Corporation.

Commissioner Thompson praised the EDC process stating that they were assured of getting good candidates and showed the public that they were not looking so much at political appointments but were being impartial and looking at folks who have the ability and credentials to serve.

Chairman Lucier called the question. The motion carried five (5) to zero (0). He congratulated each of the appointees.

Grant Application Approval for Sheriff’s Office: Approval of “Recovery Act: Assistance to Rural Law Enforcement to Combat Crime and Drugs” grant application to fund two sworn-officer positions

This item was removed from the Consent Agenda and placed on the Regular Agenda for discussion.

Commissioner Kost questioned whether the grant request was for two or three positions, the total funding request amount, and if the County is expected to fund the positions at the end of the grant period.

Commissioner Kost moved, seconded by Commissioner Vanderbeck, to approve the grant application for the “Recovery Act: Assistance to Rural Law Enforcement to Combat Crime and Drugs” application to fund two (or three) sworn-officer positions with the stipulation that future funding is not guaranteed when the grant expires. The motion carried five (5) to zero (0).

The County Manager is to follow-up with the Sheriff’s Office to see if the request is for two or three positions.

PLANNING AND ZONING

ZONING AND ORDINANCE: *Item from March 16, 2009 Public Hearing:*

Request for Amendment to Conditional Use Permit for Cooper Subdivision: Approval of a request by Contentnea Creek Development Company for an amendment to the Conditional Use Permit for “**Cooper Subdivision**” on a revision to Condition #4 to remove a

road crossing over Parkers Creek and Condition #10 revising the overall site plan on property located at 739 Hatley Road, Parcel #17357; #82822; and #82823, on approximately 130 acres, New Hope Township

Jason Sullivan, Assistant Planning Director, explained the specifics of the request.

As per the Planning Department and Planning Board recommendation (by a vote of 7-0), Commissioner Vanderbeck moved, seconded by Commissioner Thompson, to adopt **Resolution #2009-39 Approving a Revision on a Conditional Use Permit Request by Contentnea Creek Development Company**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

PRELIMINARY PLAT APPROVAL:

Request for Revision to Preliminary Plat for “Cooper Country Estates”: Approval of a request by Dan Sullivan on behalf of Contentnea Creek Development Company for a revision to the approved preliminary plat for Phase I of **“Cooper Country Estates”** [formerly Cooper Subdivision]; a revision to the development schedule for Phase I; and preliminary plat approval for Phases II and III, consisting of 43 lots (total Phases I, II, III) on 130.48 acres, located off SR #1714, Hatley Road, New Hope Township

Jason Sullivan, Assistant Planning Director, explained the specifics of the request.

As per the Planning Department and Planning Board recommendation (by a vote of 7-0), Commissioner Vanderbeck moved, seconded by Commissioner Kost, to grant approval of the following:

1. Approval of the road names: *Cooper Country Lane, Billowing Way, Restless Wind Way, Mariah Lane, and Newcastle Court*; and
2. A revision to the previously approved preliminary plat for Phase I of Cooper Country Estates; and
3. A revision to the development schedule for Phase I to allow the final plat submittal for Phase I to be 18 months from preliminary plat approval; and
4. Preliminary plat approval for Phases II and III, consisting of 43 lots (total Phases I, II, III) on 130.48 acres

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

EVERGREEN UNITED METHODIST CHURCH

Boy Scout Troop #951:

Chairman Lucier recognized Evergreen United Methodist Church, Boy Scout Troop #951, who was in attendance as part of their requirements to earn a communication merit badge. Also recognized were Terry Blake, Committee Chairman; Buddy Seagroves, Scout Master; Scouts, T. J. Wright, Evan and Jackson Seagroves.

Request for Extension for “Henderson Place Subdivision”: Approval of request by Wade Barber for an eighteen (18) month extension for **“Henderson Place Subdivision”** extending the final plat deadline from April 20, 2010 to October 20, 2011

Jason Sullivan, Assistant Planning Director, explained the specifics of the request.

Commissioner Kost asked, based on the Environmental Assessment, what changes came about with this project.

Wade Barber explained the changes that were done as a result of their extensive Environmental Assessment.

As per the Planning Department and Planning Board (by a vote of 7-0), Commissioner Cross moved, seconded by Commissioner Thompson, to grant an eighteen (18) month extension for "Henderson Place Subdivision" extending the final plat deadline from April 20, 2010 to October 20, 2011. The motion carried five (5) to zero (0).

EXTENSION OF PRELIMINARY PLAT EXPIRATION:

Request for Three-Year Extension of "Laurel Ridge Subdivision" Development Schedule: Approval of a request by Nicolas P. Robinson, Attorney-at-Law for a three (3) year extension of the development schedule for **Phase 1B of the Laurel Ridge Subdivision** extending the final plat deadline from December 31, 2009 to December 31, 2012

Jason Sullivan, Assistant Planning Director, explained the specifics of the request.

Commissioner Kost asked for a history of the names of the subdivision. It was determined that the "Laurel Ridge Subdivision" previously had the following names: Womble Subdivision, Creekside, and is now The Estates at Laurel Ridge.

Nick Robinson, Attorney for the developer, explained the details of the wastewater treatment phases. He also stated that there was no Environmental Assessment required nor was one done; that there are a total of thirty lots which are a minimum of 3 acres and average of 5 acres, in the subdivision; that the golf course can handle the wastewater from Chapel Ridge, The Glens, Laurel Ridge, and The Bluffs at build-out; however, the spray irrigation facilities at the Parks at Meadowview have not been constructed in accordance with agreements between the developers and Aqua NC. Aqua Utility is looking at the big picture and saying that they don't know when the rest of the spray irrigation facility is going to be built so until they get the construction schedule for the remainder of the spray irrigation facilities worked out, they are not going to allow separate subdivisions to tie on to the Chapel Ridge Wastewater Treatment Facility; that it is essentially a legal issue whereby the developers assert that the agreements give them rights to capacity at the Chapel Ridge Wastewater Treatment Facility for all of their lots within The Estates at Laurel Ridge and the Utility is asserting that the developers' capacity rights are subject to the resolution of the currently unknown construction schedule for the completion of the infrastructure for the Chapel Ridge Wastewater Treatment Facility.

Jerry Markatos, 800 Rock Rest Road, Pittsboro, NC, stated that their neighborhood has followed the discussion around the various developments for a few years; that they really got into an alarming period at the end of the tenure of the last Board; that the Planning Board was "rubber stamping" anything that came through; that when details regarding endangered species and plants and animals were presented, they were told that they had no responsibility to take into account federal endangered species laws; that it was shocking to see the style of decision making that was going before the board; that the planning process was intended to protect the County, not just from reckless development but well-intentioned ones that don't necessarily come together; that what they are seeing at this point is a very complex and convoluted process that relies on a lot of things coming together just right; that just minutes before the auction was to begin, he learned that there were 26 lots at Chapel Ridge that were to be auctioned that day; that these plans for sewage treatment and for providing water have a lot of bumps in their roads at this time; that it is the responsibility of the Planning Board to review the discussion and the responsibility of the Board of Commissioners to take care that the County does not have disasters; that he is present to argue that the request for the extension on this complex development, be fully subjected to responsible, reasonable, and carefully planned regulations that are now in place.

Chairman Lucier explained that the Board of Commissioners' job is to determine whether or not to grant the extension, not to reverse actions of previous boards.

Mr. Robinson stated that he respectfully disagrees with Mr. Markatos' comments; that the subdivision sketch design that was approved in December, 2004 was a long time

before 2006 when the political changes occurred; that it was done entirely in accordance with the zoning and subdivision ordinances in place at that time; that he feels they may have the right ammunition but the wrong target because not granting the extension, in this case, does not have any impact on the 12 lots. Mr. Robinson stated that denying the extension will not make the remaining portion of the subdivision disappear and be subject to a new approval. Rather, denial of the extension will just unnecessarily accelerate development of the last 12 lots. The extension will slow the development to a pace that makes sense given the legal framework at issue.

Kathy Markatos, 800 Rock Rest Road, Pittsboro, NC, stated that they saw things on the land they looked at that may want to be considered by the Environmental Review Board and that the Planning Board review was very helpful.

Commissioner Kost asked Mr. Robinson if any consideration was given to increasing the buffers along Dry Creek. Mr. Robinson responded that the design of the lots is coordinated with the design of the roads, most of which are already constructed; that increasing the buffers has a significant impact on the lots. Commissioner Kost disagreed with Mr. Robinson stating that in her assessment of a map of the lots along Dry Creek an increase of the buffer would not have a significant impact on the lots and that one of the biggest distinctions between this proposal and the previous action of the Board with the Henderson Place is that Henderson Place did an environmental assessment; that even though it was approved when the stream buffers were 50 feet, they put one hundred foot buffers instead and made concessions to the new standards. Mr. Robinson explained that there is another huge distinction that makes it unfair and arbitrary to apply the same standards to this subdivision that are currently applied to others which is that the Henderson Place subdivision sketch design was approved in July of 2007, a full three (3) years after the approval was granted for The Estates at Laurel Ridge subdivision; these folks acquired the land at a good price, designed the subdivision under the applicable regulations at that time and have now built more than half of it and all they are really asking is for a little pressure valve to allow them to delay construction of the remainder of the subdivision until they resolve the legal issues with the Utility and know that they can hook on to the Chapel Ridge Wastewater Treatment Facility. Commissioner Kost stated that damage has been done to the streams in the area, not just by this development but a cumulative effect. Mr. Robinson asserted that no damage has been caused to the streams by this development. She stated that from the look of the layout of the 12 lots, they can at least along Dry Creek, increase the buffer to 100 feet without having a significant impact on the lots. Mr. Robinson stated that he can take the statement to his client for their review. He asked that the commissioners keep in mind that increasing the buffers at this point would require a significant reorientation of the subdivision a long time after it was approved.

Chairman Lucier stated that with five acre lots, it is easier to do a 100 foot buffer than it is with a one acre lot; that the issue, when the subdivisions were approved, is that there were environmental concerns; that those concerns turned out to be legitimate; that in their totality, the concern was that with so many lots going in with inadequate ordinances to regulate the subdivisions at that time, that there would be problems; that the concern regarding the environmental issues is real; that they recognized that this subdivision did come in under the old ordinances; that this is a different request for a considerable extension of three years, which is no fault to the County as the applicant is the one requesting the change; that it is a complicated issue; and that is the reason that there probably should have been a cumulative risk assessment on all of these as they are tied together.

Commissioner Kost stated that they did not want to treat the applicant differently and she would like for Mr. Robinson to ask his client about increasing the stream buffers.

Commissioner Vanderbeck stated that he doesn't feel that the Board can deal with the issue lightly; that he finds this a very complex situation to deal with this evening; that he thinks that the Board should take some time to pursue it.

Commissioner Kost stated that she wanted to see what could be done about the stream buffer increases; and that she would not want to vote on it at the night's meeting.

Commissioner Cross moved to table this item until May 4, 2009 Board of Commissioners' meeting.

Chairman Lucier called the question. The motion died for lack of a second.

Commissioner Kost moved, seconded by Commissioner Thompson, to postpone a decision on this item until the May 18, 2009 Board of Commissioners' meeting. The motion carried five (5) to zero (0).

Mr. Robinson stated that he appreciated the opportunity to come before the Board.

Request for Three-Year Extension of "The Bluffs" Development Schedule: Approval of a request by Nicolas P. Robinson, Attorney-at-Law for a three (3) year extension of the development schedule for **Phase 1B of The Bluffs Subdivision** extending the final plat deadline from December 31, 2009 to December 31, 2012

Jason Sullivan, Assistant Planning Director, explained the specifics of the request.

Commissioner Kost asked about the number of lots in the subdivision to which Mr. Sullivan responded that there are 20 lots. She also asked about the status of phase 1A. Mr. Sullivan stated that it had been recorded; and that this is the same situation as Laurel Ridge.

Commissioner Kost asked about stream locations on the property. A discussion regarding stream locations and the different phases ensued.

Mr. Sullivan pointed out that the development schedule for phase 2A was 2010; that this request would extend the development schedule for phase 1B beyond the deadline for phase 2A.

Alice Yeaman, 633 Rock Rest Road, Pittsboro, NC, stated that her land borders The Bluffs Development; that The Bluffs is a large development of 117 lots that extends from Dry Creek on the south to the Haw River on the north; that this development was rushed through the Planning Board and County Commissioners in the fall of 2006; that there was no Environmental Impact Assessment at the time even though it includes an area in the Chatham County natural inventory; that there are listed rare plants in the area; that the Carolina Ladle Crayfish, and the Four-toed Salamander have been found on Rock Rest Road; that the federally listed Cape Fear Shiner has been found in the Haw River below the confluence with Dry Creek; that this particular phase of the Bluff Development, 1B, only eight lots includes, habitat for the Four-toed Salamander and the Carolina Ladle Crayfish; that they the Board to require of the developers an Environmental Impact Assessment for the entire Bluff Development and that it go (the whole development) before the County Environmental Review Board before approving any extension; that if any extension is granted, they ask the County to require conformance to the new County environmental and sedimentation regulations and the pending requirements of the Jordan Reservoir Nutrient Management Rules of which Chatham County is on record of supporting; that she wants to point out that a three-year extension delays final plat approval until after the next election of County Commissioners, three seats of which may be contested; that these developers got what they asked for, approval for 2200 houses along Old Graham Road; that now they say they don't want it, yet they did this when there was already a glut of houses in the Triangle area; that they didn't care they wanted it anyway; that they didn't care that there was an obvious problem with a private utility operating spray fields and pump stations piping water and sewer to 2200 houses up and down the steep rocky hills of these developments; that they didn't care; they would be out of there; that it would be someone else problem; that now they have a problem with the utility; and that she doesn't think the County has any obligation to help them out of what is obviously a financial difficulty of their own doing.

Tom Marriott stated that the planning permits in the County have very specific time limits for a reason; that things change; that they have changed at the State and County levels; that at the County level, there is specific criteria for dealing with environmentally sensitive areas of which the land in question is undoubtedly included; that there is now an

Environmental Review Board which could make an appraisal of the land; that by rejecting the extension and reopening the permitting process, this land would be as it should be examined by the Board; that things have also changed at the State level; that the State Environmental Management Commission is developing the Jordan Reservoir Nutrient Management Rules which the Board of Commissioners has endorsed; that these rules should be approved by the summer; that the rules will be a great addition to the statutes designed to protect Chatham County's land and water; that by rejecting the request, the chance is increased that this critical piece of land could be brought into purview of the Jordan Reservoir Nutrient Management Rules; that it is the opinion of their attorney, Dickson Phillips, that if the request for the extension is granted, attorneys for The Bluffs will insist that they be grandfathered out of the Jordan Reservoir Nutrient Management Rules; that Dickson Phillips is a member of the group that is drafting the regulations; that the Board should remember that this development is on the Haw River and Dry Creek so stormwater considerations are critical and obvious; that he is asking the Board to make use of their power to reject this request for an extension; that if the Board chooses, at some point, to accept the request, he hopes that it will be done on the condition that the development incorporates the new rules of the County and the Jordan Reservoir Nutrient Management Rules in the plans; and that given the economic situation in the country, it seems this request for an extension, if granted, could serve the economic interest of both the developers and Aqua.

Mr. Robinson stated that he would like to put it back in context and say that this developer would like to be afforded the treatment as all of the others with their extension request. He thanked the Board for hearing their request.

Commissioner Vanderbeck moved, seconded by Commissioner Kost, to postpone a decision until the May 18, 2009 Board of Commissioners' meeting. The motion carried five (5) to zero (0).

MANAGER' S REPORTS

The County Manager had no reports.

COMMISSIONERS' REPORTS

Meeting on Jordan Lake Nutrient Rules:

Chairman Lucier stated the Environmental Review Board Chair, Elaine Chiosso, Fred Royal, and he are meeting with Speaker Hackney and other legislators on Tuesday morning, April 21st, at the Legislature regarding the Jordan Lake Nutrient Rules and advocating that the rules should be implemented as soon as possible.

Farm Bureau Meeting:

Chairman Lucier stated that Commissioner Kost and he are meeting with the Farm Bureau to talk about the issues of important to the agri-business groups in Chatham County so that they can better understand their issues in the current economic climate so that they can do whatever they can to support agriculture in the County.

Corridor Rezoning:

Chairman Lucier informed those in attendance of the public hearings to be held on Monday, April 27, 2009 on the rezoning of businesses along the major corridors; that these are the existing businesses, who when the major corridors were zoned, became non-conforming; that the Board is offering the opportunity for those business owners to have their property zoned to their current use, whether it be commercial business, light industry, or heavy industry, to move them out of the non-conforming category.

Lystra Road Speed Limit:

Commissioner Kost stated that it had been over a month since the Board of Commissioners and the Board of Education passed resolutions dealing with the speed limit on Lystra Road in front of North Chatham School; that the agreement with the NC Department of Transportation (NCDOT) was that if both Boards passed resolutions regarding the lowering of the speed limit that the NCDOT would lower the limit. She asked the County Manager to check into this matter.

Earth Day:

Commissioner Thompson stated that on April 22, 2009, Central Carolina Community College (CCCC) will be commemorating Earth Day at the Pittsboro Campus; that there will be a tour of sustainable agriculture lab; that there will be a demonstration by the biofuels instructor how to make biodiesel; that there will also be discussions on the Green Building Program and other items dealing with sustainable technology; that there be a reception at 4:00 PM; and the Board of Commissioners public are invited to attend.

Sustainable Energy Conference:

Commissioner Vanderbeck stated that he had attended a Sustainable Energy Conference in Raleigh the prior week; that Speak Hackney gave the lead-off speech; that it was a good pep talk leading up to how they can access stimulus money which will be coming directly through the federal government or be parceled out through the states; that he had dealings with the State Energy Office with regard to the performance contracting whereby an audit would be done and advice would be given as to how they can save energy; that they would basically take some of their operating costs and put it into funding capital; that he heard about a number of grants with more specifics on some qualifications; that a lot is still unknown regarding access; that Chatham County is among many rural, small counties and small municipalities that may be eligible as far as getting any of the stimulus money; that he thinks they will pursue it in today's actions by forming the Green Building Working Group (roughly 20 citizens from different geographical areas around the County) to help the Board go through these stimulus package grants and opportunities to see how they may work out best for Chatham County.

ADJOURNMENT

Commissioner Cross moved, seconded by Commissioner Vanderbeck, to adjourn the meeting. The motion carried five (5) to zero (0), and the meeting adjourned at 8:11 PM.

George Lucier, Chairman

ATTEST:

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