

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
MAY 18, 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 May 18, 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; 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 Chairman welcomed those in attendance and called the meeting to order at 6:10 PM.

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 #19, 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; and Item #20, 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 due to the attorney for the applicant working on an alternate proposal to go to the Planning Board. She stated that she expects the items to be returned to the Board of Commissioners by mid June.

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

1. **Minutes:** Approval of Board Minutes for Regular Meeting held May 04, 2009 and Work Session held May 04, 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. **Funds Acceptance for Health Department:** Approval of a request to accept \$3,000.00 in fees and \$410.00 in grant funds for the TeenWorks Teen Center after-school program of the Chatham County Public Health Department

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

4. **Funds Acceptance for Health Department:** Approval of a request to accept Focus on Fathers Funds in the amount of \$500.00 awarded to the Health Department from the Chatham County Partnership for Children

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

5. **Funds Acceptance for the Health Department:** Approval of a request to accept New Family Planning Bonus funds in the amount of \$2,800.00 from Federal Title X (Family Planning)

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

6. **Funds Acceptance for the Health Department:** Approval of a request to accept funds in the amount of \$15,000 from the North Carolina Department of Environment and Natural Resources for Tick & Tick-borne Disease & Control Education

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

7. **Grant Application for Waste Management:** Approval of grant application for Triangle Clean Cities Coalition, Department of Energy Clean Cities/Biomass Program ARRA funding in the amount of \$8,000.00, application attached hereto and by reference made a part hereof.

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

8. **Bid Award for Replacement Truck for Waste Management Department:** Approval of a request to award the bid for the purchase of an Autocar front loading replacement truck for the Waste Management Department to Volvo GMC in the amount of \$222,684.96

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

9. **Grant Application for Library Wastewater and Rainwater Reuse System:** Approval of a request to apply for Recovery Act State Clean Water Revolving Fund Loan under ARRA for \$746,400 to fund the construction of the wastewater and rainwater reuse system to support the new buildings on the Central Carolina Community College (CCCC) Campus and adopt **Resolution #2009-44A By Governing Body of Applicant**, application and resolution are attached hereto and by reference made a part hereof.

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

10. **Appointments to the Chatham Green Building Task Force:** Approval of a request to appoint two members to the Chatham Green Building Task Force, Chris Jude by Commissioner Cross and Faythe Clark by the Board

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

11. **Funding Plan for Juvenile Crime Prevention Council Funds:** Approval of funding plan for Juvenile Crime Prevention Council (JCPC) funds. The plan is attached hereto and by reference made a part hereof.

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

12. **Appointment to the Chatham Joint Nursing Home & Adult Home Care Community Advisory Committee:** Approval of a request to appoint Greg Kemper to the Chatham joint Nursing Home & Adult Home Care Community Advisory Committee by Commissioner Thompson

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

13. **Appointments to the Cary/Chatham Joint Issue Committee:** Approval of a request to appoint Commissioners Lucier and Kost to the Cary/Chatham Joint Issue Committee

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

14. **Central Carolina Community College Roundabout:** Approval of a request to authorize Chairman George Lucier to sign a right-of-way agreement for the construction of the roundabout at the Central Carolina Community College Library entrance

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

END OF CONSENT AGENDA

PUBLIC INPUT SESSION

Mayor Randy Voller, 21 Randolph Court, Pittsboro, NC, presented his comments to the Board and provided them in their entirety for the record as follows:

“Considering the importance of Arts & Culture:

As we learned from our arts advocacy day at the Legislature in Raleigh a few weeks ago, on the whole, the arts play a crucial role in making communities places where people ‘want’ to live as opposed to reform certain social ills and provide uplift to residents as well as provide a role in the education of the children.

It is true that Chatham Arts failed to file the proper paper work to enter the official queue with other non-profits to request funding from the Count – and that is entirely the responsibility of the organization and its executive director.

However, this failure has shined a light on a critical question – shouldn’t arts and culture be given stand alone status as opposed to competing for a pool of funds that is designed to support 501 (c)s and other non-government organizations. The arts are uniquely positioned to aid and abet other County and regional organizations accomplish their mission and in fact Chatham Arts has partnered with many of these groups in the past on fundraising and other events that raise awareness and social consciousness.

We know visitors come to our County because of the existence of a vibrant creative class not in spite of it. I have yet to find someone in the Triangle who is inspired to visit Chatham County because we now have KFC or a Taco Bell, but many folks have commented on the abundance of artists, writers and musicians that make us special. To quote one of our local musicians, “...in Chatham County if you shake a tree an artist falls out and lands on a musician.” It seems all communities in our County have a connection to the arts.

And as County Chair George Lucier has aptly noted in ther State of the County Addresses, we are blessed in Chatham County with citizens who will volunteer and give of their time on advisory boards and non-profit organizations to make Chatham County a better place for all citizens.

The arts connects these groups and arts programming in the schools and in the community actually lessen the load for other non-profit and governmental programs by engaging young people, and educating them through methods that can reach them and change lives.

They do this by creating a sense of place, capturing the hearts and imagination of different types of students and allowing them an outlet for their energies and creativity.

Who can forget Clydefest and Clyde Jones’ love of children? Other new events are taking shape and attracting attention like Mardi Gras, the fashion show, and the 100-mile

local film series. These events are bringing visitors to Chatham County and leaving them with an indelible impression of a lively and active place to live.

I respectfully submit that there is a statewide model to fund travel and tourism in towns and counties. We must ask ourselves what brings visitors to our County? Its abundant natural beauty is at the top of the list and is a work of art unto itself. The people and the community of artists within the County certainly are also at the top of the list and to the extent that we can bring people to Chatham County and keep them coming back will in part depend on how we honor and preserve the beauty of our County and how we intentionally create places and spaces that inspire people and keep them coming back. Chatham Arts has a role in the milieu.

I respectfully submit that we should consider a recurring portion of funding be provided to travel and tourism that is dedicated to Chatham Arts and/or that we open a new line item in the budget specifically dedicated to "arts and culture". In either case, we will place the arts in an area where it belongs and allow for the County and Chatham Arts to work together on planning and funding now and well into the future.

We want to be the place where people want to live not the place where they resent living. Our unique arts and culture set us apart."

Dianne Borgman, 63 Lake Farm Road, Apex, NC, stated that she is requesting that the Commissioner put up some kind of signs to be placed at the causeways at Jordan Lake; that more care is needed around the lake; that there have been up to 24 cars parked on the bridge or close to it where there are "No Parking" signs; that there are small tow-away zone signs under the "No-Parking" signs; that they are concerned about accidents and the amount of trash on the sides of the road; and that law enforcement is willing to do something as long as it is doable because they have their hands full.

Chairman Lucier asked who had the authority around the lake. The County Manager stated that he thought it was the NC Department of Transportation, but that he would check into the matter further.

BOARD OF COMMISSIONERS' MATTERS

Public Hearing on FY 2009-2010 Recommended Budget: Public hearing to receive public comments on the FY 2009-2010 Recommended Budget

Charlie Horne, County Manager, explained that the proposed General Fund budget totaled \$80,995,539, the total Water Fund budget totaled \$6,272,970, and the total Waste Management Fund totaled \$3,691,291; that the total property valuation is \$8.5 billion; that one penny on the tax rate generated \$826,264; that the recommended tax rate is 60.32 cents per \$100 valuation (revenue neutral rate); that the total property tax revenue anticipated from property taxes was \$50,843,494; and, the General Fund Fund Balance appropriated was \$2,868,549.

The County Manager presented the FY 2009-2010 Recommended Budget in its entirety as follows:

SUMMARY OF COUNTY MANAGER'S PROPOSED BUDGET FOR 2009-2010

CHATHAM COUNTY IN BETTER SHAPE THAN MOST:

- State has \$3.2 billion shortfall, 15% of its budget, for the current budget year
- Chatham County's projected 2009 shortfall is \$458,000, **or 0.6% of its budget**
- Most county revenue sources are down, reflecting a statewide trend.

PROPOSED TAX RATE:

- Recommended tax rate is **60.32 cents per \$100 valuation** (revenue neutral rate)
- Current tax rate is 65.3 cents

GENERAL FUND BUDGET:

- Proposed \$80,995,467 General Fund budget is 3% lower than the current budget
- Actually 7% lower when required debt payments are excluded
- Departments identified the majority of the reductions in the budget

SPECIAL FUND BUDGETS:

- Water Fund: \$6,272,970, up 19% (due to required debt payments)
- Waste Management: \$3,691,921, down 7%

KEY BUDGET CUTS (7% total):

- Suspension of pay-for-performance (merit) salary increases earned this year by county employees
- Postponement in implementing pay plan to bring employees up to minimum of their pay range
- No funding of several vacant positions and continued suspension of non-essential travel

SCHOOL FUNDING:

- Fully funds the school capital improvement plan so that existing facility projects stay on schedule
- Holds other school capital outlay to \$1 million
- No increases in current expense funding, including school salary supplements

LIMITED NEW ITEMS:

Several save money or no cost. **Total net cost is \$234,553**, or 0.28 cents on the tax rate

- **Library:** Services to complete the county's separation from Alamance County Library's system (**net savings \$1,499**).
- **Sheriff:** Retention of two positions previously funded by grants, including a domestic violence investigator (**net cost \$30,356**) and criminal enforcement/K9 team field supervisor (**net cost \$23,331**).
- **Planning:** Update of county's land use plan (**net cost \$60,000**) and new transportation planner (**net cost \$59,634**).
- **911 Communications:** Temporary salaries for 911 dispatch to provide four supervisors per shift (**net cost \$61,232**).
- **Storage Area Network:** Enhanced data storage and capacity to continue operations due to a disaster (**net cost \$0**).
- **Waste Management:** Purchase of forklift and ramp for baling recyclables, partially funded by a grant (**net cost \$0**)

COMMISSIONER GOAL HIGHLIGHTS:

Meets other county commissioners' goals: providing matching funds for a bus route between Pittsboro & Chapel Hill; indexing growth in nonprofit funding to annual growth in property tax revenues; thoroughly reviewing fire department budgets; funding administrative position for Economic Development Corporation to keep office open during work hours (while still reducing Economic Development Commission's budget by 27%); and enhancing overall budget document.

IMPACT OF 2009 REVALUATION ON TAX BASE:

Initially showed growth of 24% in countywide real property values, but adjusted to 15% growth due to revaluation appeals and declines in other tax values (vehicles, business personal property, etc.).

DEFINITION OF REVENUE NEUTRAL TAX:

A revenue neutral tax rate is the tax rate necessary to generate the same revenues produced by the tax rate in FY 2008-09, but adjusted for average annual growth in revenues **since the last revaluation**. Each property owner will be impacted differently

FUND BALANCE:

Expected to end the next fiscal year with a sound fund balance of 24%, **well above goal of 20%**.

MANDATED COSTS:

For FY 2010, the part of the county budget that goes toward mandated services **increased from 70% to 73%**.

End of presentation.

Budget at a Glance

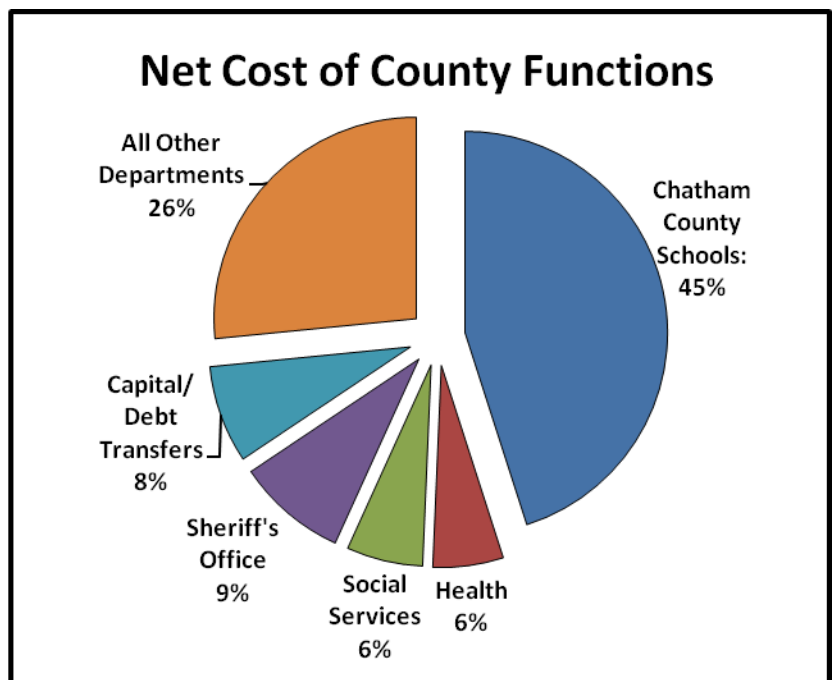
► **Total Property Valuation: \$8.5 Billion**

► **One Penny Generates: \$826,264**

► **Tax Rate: 60.32 cents**

► **Total Property Tax Revenue: \$50,843,494**

► **General Fund Fund Balance Appropriated: \$ 2,868,549**



Budget Summary

General Fund:	
Administration	10,016,918
Culture/Education/Recreation	34,210,324
General Government	2,425,387
Human Services	17,855,610
Natural Resource Management	4,696,464
Public Safety	11,790,836
Total General Fund	\$80,995,539

Total Water Fund	\$6,272,970
Total Waste Management Fund	\$3,691,291

The Chairman opened the floor for public comments.

Molly Matlock, 248 Bynum Church Road, Pittsboro, NC, presented her comments to the Board and provided them in their entirety for the record as follows:

“Good evening, Commissioners. Thank you for your dedicated work, and your service to our county. As many of you know, my name is Molly Matlock, and I am the Executive Director of the Chatham County Arts Council.

ChathamArts has thrived thanks to the salary assistance you gave our organization from 2007 - 2009, which made it possible for the council to employ me -- their first full-time director since the council’s inception 27 years ago.

We wish to first apologize for missing your 2009-2010 grant deadline. Secondly, we want to share with you the remarkable progress we have been able to make largely as a result of your early support.

Though the organization has encountered daunting challenges, to say the least, in our recent past causing us to regretfully miss your deadlines, I assure you that ChathamArts worked to the best of our ability given the challenges and turnover we faced.

I’m very happy to announce that today ChathamArts is stabilized and serves your constituents in the County with a sharpened focus, terrific energy and long-term vision.

In the 2 years that you have funded, we have made following infrastructure improvements:

- Since August of 2007, ChathamArts updated our accounting records and software from 2001, purchased and implemented a donor database and official fundraising campaign and developed an employee handbook, as well as a policies and procedures manual.
- ChathamArts has built vital and fruitful collaborations with local commercial and non-profit partners such as Briar Chapel, Progress Energy, the Abundance Foundation, and Chatham Together, among others.
- ChathamArts has assembled a talented board that includes law professionals, well-established fundraisers & philanthropists, a strong new treasurer who served as president & treasurer of Durham’s Habitat for Humanity for many years, as well as public art expert, Jeffrey York.

From a programming perspective, this year ChathamArts increased the number of artist residencies in Chatham County’s schools to 12. In FY06-07 there were only 2, proving that our organization is fulfilling a critical need in local schools.

These artist residencies brought arts performances to nearly 3,000 Chatham County students in FY08-09. Just last week, ChathamArts, in partnership with the state’s arts council, brought Opera Carolina to nearly two thousand Chatham County students, many of whom may rarely see performing arts at all, much less of that caliber.

Viewed from an economic development perspective, Chatham County realtors note that they have long competed with the very positive reputations boasted by the schools in neighboring counties like Orange.

Studies show that people move to and stay in communities with school systems that provide arts programming because students who participate in the arts are proven to excel in writing, reading, leadership and volunteerism, boosting college entry scores and ultimately increasing enrollment in colleges and reducing dropout rates.

The programs provided by ChathamArts are helping enhance local academic results and realtors are better able to compete.

Similarly, the NC Department of Cultural Resources, reports that:

- 1) Household incomes are higher in counties with high concentrations of artists and creative professionals—which are naturally attracted by a vibrant arts council—and
- 2) Counties with higher proportions of workers in arts-related occupations are more likely to retain current residents and attract new ones. The existence of a dynamic Chatham Arts Council with our programming and services helps attract and retain these professionals.

Using the multiplier effect formula provided by NC Dept. of Cultural Resources, ChathamArts estimates that arts & culture in Chatham County contribute approximately \$1,500,000 to our county economy annually.

The newly renovated ChathamArts gallery, as well as local festivals, plays, and various other events created and produced by ChathamArts and other arts partners help attract to Chatham County international as well as national visitors and ultimately new businesses generating additional revenue for existing businesses such as gas stations, B&B's, restaurants, and other area retailers.

Our statistics show that about 20–30% of attendees at ChathamArts events come from Wake, Durham, Orange, Alamance, and Lee counties. At our recent ClydeFest event, people from as far away as Baltimore, Maryland, Williamsburg, Virginia, Charleston, South Carolina, Charlotte, and Asheville attended.

Through the ChathamArts website, which provides information on local artists, we've received phone calls from places as far away as Ohio and Illinois inquiring about commissioning Chatham artists to create art works for their homes and businesses. This is money that ChathamArts is proud to bring into the local Chatham County economy.

At ChathamArts we're tasked with being the arts council for all of Chatham County. We are also working in tandem with the Artists Guild and the NC Arts Incubator to collaborate on building cultural tourism in all parts of Chatham.

ChathamArts has achieved remarkable attention and success with very limited human and financial resources, but your financial support is essential to the continued viability of this organization. We ask that in upcoming years, you prioritize arts and cultural tourism as an essential budget line item as a crucial economic development tool. Thank you."

Gwen Overturf, 90 Kirkman Ford Road, Siler City, NC, stated that her husband had written letters to the Board of Commissioners about Chatham Arts. She thanked them for their personal responses and for their past support. She stated that she was a teacher in the schools and has seen children become more involved with hands-on art; that Chatham Arts has supplemented teachers in the schools to enhance children's lives; and that art can incorporate all facets of education.

Regina Bridgman, 1339 Jones Ferry Road, Pittsboro, NC, stated that she was the director of the Arts Council around 2000; that during her tenure, the comment she heard the most was a compliment about how much the arts contribute to the County's cultural heritage and impact on the schools; that the Chatham Open Studio Tour serves as a model for other counties; and that arts have a positive impact on children and keeps them off the street and in the classroom.

Lars Gruner, 388 Grady Siler Road, Siler City, NC, stated that he was speaking on behalf of the Siler City Merchants Association; that they are requesting funding for a permanent structure be built for the farmers market.

Muriel Eylers, 47 McLaurin Road, Siler City, NC, stated that she is the market manager at the Siler City Farmers Market; that they have been operating under canopies if the farmers can afford it; that they need a permanent structure to shield from the weather; that the Siler City market is different as they cater to new vendors or retired vendors; that they started the market to help support the downtown area; that they are trying to keep their costs low; and that a structure that could be used for others things.

Patricia Learned, 500 Jeremiah Drive, Chapel Hill, NC, stated that in the mountains of Virginia during the Depression, a local theater was started to support starving actors; that in Chatham we don't have to start from scratch; that ChathamArts recently had a film festival that dealt with "Race in North Carolina; that Margie Ellison was able to share her personal story through ChathamArts; and that ChathamArts provides the opportunity for these experiences. She asked that the Board find a way to fund ChathamArts.

Karen Dalton, 371 Bynum Road, Pittsboro, NC, stated that she and her husband live on Bynum Road; that they have been overrun by trespassers; that her property adjoins the County property right on the Haw River; that they planted bushes and put out tape; that their latest problem was the Haw River Festival and there were kids going through the storage building on their rental property; that Chatham County Deputies came and had difficulty removing them from the property; that she had to request signs from the NC Department of Transportation (NCDOT); that since the property has been cleared, trespassers have been a real issue; that they are asking the County to border the property somehow to help keep intruders out; that Fred Royal has some signage plans to go down there; and that they are asking the Board to somehow consider bordering the property lines.

Chairman Lucier asked if her property went under the bridge stating that he has property that borders hers. He also stated that they will talk with Mr. Royal and ask if any fencing and signage can be installed to prevent people from moving too far under the bridge.

Suz Robinson, 145 Bynum Road, Pittsboro, NC, stated that she is speaking on behalf of a mural artist; that she believes in the arts and in children; that a mural was her dream; that she grew up wanting to be an artist; that they let the children help create the mural; that people from all over commented on the mural as it was created; that the arts speak from our souls and is so important to a community;

Kathleen Hundley, 136 Rocky Falls, PO Box 1177, Pittsboro, NC, presented her comments to the Board and provided them in their entirety for the record as follows:

"While all of us are aware of the need for and pressure on the Board of Commissioners to provide non-profit organizations with money with which to continue their efforts, I would like to make a statement for your consideration concerning the Rocky River Heritage Foundation efforts to provide Chatham County with a clean and useable waterway. In a society that has become an 'if it breaks, don't fix it – throw it away and buy another,' we can't buy new, clean pristine waterways, but we can fix what we have and make the Rocky a benefit to the citizens of Chatham County.

1. The Rocky River Heritage Foundation (RRHF) is attempting and will continue to apply for grants to raise a great deal of what it will take to accomplish the preliminary testing and following clean-up process in the Rocky River.
2. We have learned that most grants inquire about or require local government support to substantiate the validity of the purpose of the grant.
3. We have also learned that, for every dollar we receive from Chatham County, we bring \$5.00 or more into the county.
4. Without such support the potential for receiving grant money, with which to initially fund testing of water quality, many grantors will discard our grant applications and the amount of money we can bring in will decrease dramatically, thereby

5. Decreasing the level of RRHF support in any effort to improve water quality in the Rocky River, leaving the river to continue to degrade.

Since we are committed to gathering grant money toward the clean-up of the Rocky River, we ask that the county continue to acknowledge those efforts that can provide the county with its own clean, useable river by giving the RRHF the financial support that it can open the door for continued funding. Thank you.”

Sonny Keisler, 3006 River Forks Road, Pittsboro, NC, presented his comments to the Board and provided them in their entirety for the record as follows:

“I am a member of the Rocky River Heritage Foundation and the Chatham County Environmental Review Board, otherwise known as the ERB.

The ERB has begun a study of climate change and its likely impacts on Chatham County. The first major finding the ERB has made is that Chatham County can expect the severe droughts and water shortages we have experienced over the past ten years to become more commonplace. This is because we can expect temperatures to soar over the coming decades somewhere between 4 degrees and 10 degrees. Data acquired over the past two years indicate that we should plan for the worst case...especially now that massive amounts of methane is bubbling up from the Arctic Ocean. Methane is about 25 times more heat trapping than carbon dioxide. We also can expect evaporation to increase and our soils to become drier. Whether we can expect less rainfall is less clear. However the latest edition of the National Geographic shows that our area should expect less rainfall.

The point of this is simple: Chatham must begin now enacting policies that anticipate greatly reduced surface and ground water supplies. This includes policies that protect our forested watersheds and policies that improve water quality. This is especially important for residents of western Chatham County and Siler City which rely on the Rocky River for drinking water. As you may know, this water supply in the upper Rocky River is polluted and has been declared impaired by the NC Division of Water Quality.

At this time, the Commissioners have a well-organized citizens group – The Rocky River Heritage Foundation – that it can count on as a partner in the effort to protect this valuable water resource which is 88% in Chatham County. With your full support, I think you will find that the Rocky River Heritage Foundation will be a valuable partner. Without your full support, I think you will find that this partner will become much less valuable and...over time may go the way of all citizen groups that are made up mainly of senior citizens such as myself.”

Marjorie Hudson, 727 Morris Road, Pittsboro, NC, thanked the Board for their ongoing support of ChathamArts, presented her comments to the Board, and provided them in their entirety for the record as follows:

“Now is a crucial time in Chatham Arts history. The organization has expanded its reach, hired a full time director, and begun a series of ambitious new programs serving our community.

ChathamArts has been making a difference for economic development in Chatham County for many years. The role it has been playing is as an incubator for innovative development of programs that result in benefit the bottom line of Chatham Artists, retailers, and developers. Here’s just one example: You may know that artist Seglinda Scarpa was commissioned to create large clay sculptures to decorate the development at Briar Chapel. Local business promoting local arts economy is just one benefit. The reputation of the County as a mecca for good business is another. The commission did not just happen out of the blue, of course. What you may not know is that ChathamArts years ago helped fund an Emerging Artist Grant that helped Seglinda develop her work when she was just getting started in Chatham. The same grant helped me keep the faith when I was getting started in my writing career.

I've worked on the board or as a fundraiser or advisor to the arts council since the early nineties. In those days, artists, musicians, and writers would get together in people's homes. I started a coffeehouse in 1995 to help emerging musicians have a place to play. Because of programs partly or fully incubated at the arts council, musicians have a terrific number of venues in which to play, many of which are now profitable venues. The Studio Tour has resulted in career boosts for hundreds of artists and for other businesses as well, resulting in an explosion of small retail businesses in downtown Pittsboro and Siler City. Partnerships with the Friends of the Library have resulted in incredible art shows, at least one of which brought a Chatham Artist a commission from Denmark to supply a cover for a national bestseller.

The artists, writers, playwrights, actors, filmmakers, and musicians in Chatham County have benefitted from this "incubation period" and are poised to bring the County recognition as well as economic benefits. Now is a good time to fund Chatham Arts!"

Ellen Bland, PO Box 1607, Pittsboro, NC, stated that she has been an arts educator in the County since 1986 and has been able to take theater; that the students have proven that involvement with the arts has positively impacted other academic study areas; that in even in dire economic times, Chatham County can take the high road; and that art always lifts spirits and provide inspiration.

Tim Keim, 93 Cynthia Lane, Pittsboro, NC, stated that he is concerned about watersheds and is speaking in support of the Rocky River Heritage Foundation; that 80% of the Rocky River is in Chatham County; that about 50 sewage sludge sites are adjacent to the Rocky River; that the mussels keep the river clean; that in some areas there are no mussels left; that for every one dollar that the County funds, they can raise five dollars; and that he hopes the Board will continue to fund groups like the Rocky River Heritage Foundation so that they can return the Rocky River to its pristine state.

Jeffrey Starkweather, 590 Old Graham Road, Pittsboro, NC, stated that he is a member of the Economic Development Commission (EDC); that they are trying to market Chatham County under the notion of a "green" county; that ChathamArts is a valuable economic development tool; that one way to economic development is the development of the "Rural Creative Class" of people; that things like artist havens, downtowns, wineries, non-competitive sporting, and natural areas are all keys to strong economic development; that the arts needs to have a steady stream of money; that Orange County funds a full-time arts director; that 40% of funding in Wake County Arts comes from government; that the County needs a full-time person to run and develop programs; and that the clean water will help attract businesses to that area of the County.

Chairman Lucier closed the public comments session.

Commissioner Kost asked that the County Manager contact the school system and ask that they come prepared to discuss the money that has been allocated for the Rocky River for the monitoring program.

Public Hearing on Funding for Construction Projects for Central Carolina Community College: Public hearing on borrowing \$22.5 million to fund the Central Carolina Community College Sustainable Technologies Building, the Chatham Community Library and the Siler City Central Carolina Community College Building

The Chairman opened the floor for public comments.

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

The Chairman closed the public comments session.

BREAK

The Chairman called for a short break.

PLANNING AND ZONING

Public Hearing:

Public Hearing for Additional Extension of Conditional Use Permit: Approval of a request from New City Design on behalf of CRCED Treatment, Inc. for an additional extension of the conditional use permit, specifically Condition #10 addressing the time period for installation of the waste water disposal system, latest revision dated February 17, 2009

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

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

Corey Bates, 1304 Hillsborough Street, Raleigh, NC, architect, stated that he is with New City Design Group; that they thought they would not need the full 90-day extension; that the only piece left was the sub-surface drip system; that the wet winter/spring has delayed the project; that they did receive approvals two-weeks ago and are awaiting final review tomorrow; and that hopefully it will be complete within the next week.

Commissioner Kost asked if there was any change in the project other than the wastewater disposal system. Mr. Bates stated that there was no other change in the plan and only one other stipulation which was in the zoning with regard to a vegetative screening in front of the overflow parking area.

The Chairman declared the public hearing closed.

Extension of Preliminary Plat Expiration:

Extension of Development Schedule for “Laurel Ridge Subdivision”: 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

This item was removed from the Agenda to be discussed at a later date.

Extension of Development Schedule for “The Bluffs Subdivision”: 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

This item was removed from the Agenda to be discussed at a later date.

Corridor Zoning:

Corridor Zoning: Requests to rezone all or a portion of business properties made non-conforming by an initial RA-40 (now R-1) zoning within the following areas:

- 1500 feet of Moncure-Pittsboro Road from the Town of Pittsboro extraterritorial planning jurisdiction to US #1
- 1500 feet of 87 South/US 15-501 South from the Town of Pittsboro extraterritorial planning jurisdiction to the Chatham County/Lee County Line
- 1500 feet of US #421 North from the Town of Siler City extraterritorial planning jurisdiction to the Chatham County/Randolph County Line
- 1500 feet of US #421 South from the Town of Siler City extraterritorial planning jurisdiction to the Chatham County/Lee County Line
- 1500 feet of US #64 between the Town of Pittsboro extraterritorial planning jurisdiction and the Town of Siler City extraterritorial planning jurisdiction

- Area bounded by the Chatham County/Alamance County Line, Town of Pittsboro extraterritorial planning jurisdiction, Old Graham Road, Mt. Olive Church Road , and 1500 feet west of NC #87 North

Moncure-Pittsboro Road from the Town of Pittsboro extraterritorial planning jurisdiction to US #1:

Mr. Sullivan explained the specifics of the request.

Commissioner Kost moved, seconded by Commissioner Vanderbeck, to approve all of the rezoning requests per the Planning Board recommendation, including the denial of a rezoning for property owned by Ralph Foushee (Parcel #70760), and to adopt **An Ordinance Amending the Zoning Ordinance of Chatham County** and adopt **Resolution #2009-45 Denying Amendments to the Zoning Ordinance of Chatham County**. The motion carried five (5) to zero (0).

Highway #87 South/US 15-501 South from the Town of Pittsboro extraterritorial planning jurisdiction to the Chatham County/Lee County Line

Mr. Sullivan explained the specifics of the request.

Commissioner Vanderbeck moved, seconded by Commissioner Thompson, to approve the request per the Planning Board recommendation, to hold a new public hearing for the Anthony Bright property (Parcel #18402), and to adopt **An Ordinance Amending the Zoning Ordinance of Chatham County**. The motion carried five (5) to zero (0).

US #421 North from the Town of Siler City extraterritorial planning jurisdiction to the Chatham County/Randolph County Line

Mr. Sullivan explained the specifics of the request.

Action was postponed on this item until a status report from Environmental Health is received on the review of the property.

US #421 South from the Town of Siler City extraterritorial planning jurisdiction to the Chatham County/Lee County Line

Mr. Sullivan explained the specifics of the request.

Commissioner Kost moved, seconded by Commissioner Thompson, to approve the request per the Planning Board recommendation with an exception to deny the rezoning for Ameritrans (Parcel #64618) and to adopt **An Ordinance Amending the Zoning Ordinance of Chatham County** and adopt **Resolution #2009-45 Denying Amendments to the Zoning Ordinance of Chatham County**. The motion carried five (5) to zero (0).

US #64 between the Town of Pittsboro extraterritorial planning jurisdiction and the Town of Siler City extraterritorial planning jurisdiction

Mr. Sullivan explained the specifics of the request.

Commissioner Thompson moved, seconded by Commissioner Kost, to approve the request per the Planning Board recommendation with the exception of American Self Storage (Parcel #60115) to leave it as shown at the public hearing and the Heard Family Property (Parcel #11929) to postpone action until a future date and to adopt **An Ordinance Amending the Zoning Ordinance of Chatham County**. The motion carried five (5) to zero (0).

Area bounded by the Chatham County/Alamance County Line, Town of Pittsboro extraterritorial planning jurisdiction, Old Graham Road, Mt. Olive Church Road, and 1500 feet west of NC #87 North

Mr. Sullivan explained the specifics of the request.

Commissioner Cross moved to rezone the ten-acre tract owned by Frank Foushee (Parcel #5971) to heavy industrial. The motion failed for lack of a second.

Commissioner Thompson moved, seconded by Commissioner Vanderbeck, to approve the rezoning request for the Frank Foushee property (Parcel #5971) per the Planning Department recommendation (Mr. Sullivan clarified that the motion was to rezone the area discussed by the Board of Commissioners prior to setting the public hearing which was approximately three acres near the front of the property.) and adopt **An Ordinance Amending the Zoning Ordinance of Chatham County**. The motion carried four (4) to one (1) with Commissioner Kost opposing.

Commissioner Thompson moved, Commissioner Vanderbeck, to approve all of the other rezonings within that area per the Planning Board recommendation, including the denial of a rezoning for property owned by L&J Ceramics (Parcel #67174), and to adopt **An Ordinance Amending the Zoning Ordinance of Chatham County** and adopt **Resolution #2009-45 Denying Amendments to the Zoning Ordinance of Chatham County**. The motion carried five (5) to zero (0).

MANAGER' S REPORTS

The County Manager had no reports.

COMMISSIONERS' REPORTS

Senate Bill 761:

Commissioner Kost stated that Senate Bill 761 passed the Senate last week; that she forwarded it to the Planning Staff; that the concern is that the intent of the bill was to prevent county or municipal governments from requiring the developer to do road improvements beyond what their development is causing; that the bill needs review because it could have a big impact on local governments; that it now has to go through the House; and that she is asking for staff to review the Senate Bill version because the bill is not clearly written and could restrict the Board from connectivity issues, issues dealing with turning lanes, etc.

Mr. Sullivan stated that Planning Staff had taken a look at the bill; that it is actually proposed amendments to the subdivision statutes to require reimbursements to developers for road improvements required by local governments beyond the impacts of the specific project; that some jurisdictions require traffic impact analyses for subdivisions that include all projects within the area and that additional road improvements may be required; that Chatham County does not require traffic impact analyses as part of the subdivision process; that the proposed overlay zoning districts would require road improvements beyond the minimum state requirements; and that it wasn't clear to them whether the legislation would impact the proposed overlay districts.

Commissioner Kost stated that was her concern; that the bill is written in such a way that no one really understands what it will do; that she talked with Senator Atwater about it and he said that it had already been approved by the Senate..

Ben Howell, Planner, stated that the subdivision ordinance does not address this because we primarily have to deal with public roads that are under NC Department of Transportation control; that we now cede all of our road authority to NCDOT concerning traffic impact analysis and improvements to the road; that as written and specifically stated it might not affect the County at this time unless the requirement was put into the Subdivision Ordinance; that as far as affecting Zoning Ordinances, it does not appear to but could.

Commissioner Kost suggested that the Board ask the Association to do some research and see what impact it might have on counties. Commissioner Cross stated that he would make sure that this information is passed on.

Jordan Lake Pool Size:

Chairman Lucier stated that he had received a number of emails from Durham citizens who wanted to know how the Jordan Lake pool size was determined in terms of boundaries. He stated that they had apparently been having trouble getting information from the Army Corps of Engineers about how the pool size was established in the survey; that he would also like to see it; and that he would like for Chatham County to request from the Army Corps of Engineers to see that survey and any associated surveys.

Mr. Sullivan stated that he had talked with Melissa Rooney about her efforts to find a reliable source that was used to establish the normal pool elevation for Jordan Lake and that planning staff had researched the issue and could not find such information. He further stated that he had spoken with the Planning Director who did not recall a survey being provided and that the information that was provided on the watershed designations was provided by the NC Center for Geographic Information and Analysis and was distributed state-wide.

Chairman Lucier stated that a formal request should be placed with the Army Corps of Engineers for the information under the Freedom of Information Act.

Commissioner Kost moved, seconded by Commissioner Vanderbeck, to request through the Freedom of Information Act information and any surveys associated with it from the Army Corps of Engineers dealing with the establishment of the normal lake pool. The motion carried five (5) to zero (0).

ADJOURNMENT

Commissioner Vanderbeck moved, seconded by Commissioner Kost, to adjourn the meeting. The motion carried five (5) to zero (0), and the meeting adjourned at 9:03 PM.

George Lucier, Chairman

ATTEST:

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