MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
JULY 19, 2010

The Board of Commissioners ("the Board") of the County of Chatham, North Carolina, met in the Agricultural Building Auditorium, 45 South Street, located in Pittsboro, North Carolina, at 6:00 PM on July 19, 2010.

Present:	Sally Kost, Chair; George Lucier, Vice Chair; Commissioners Mike Cross, Carl Thompson, and Tom Vanderbeck
Staff Members Present:	Charlie Horne, County Manager; Jep Rose, County Attorney; Renee Paschal, Assistant County Manager; Vicki McConnell, Finance Officer; Sandra B. Sublett, Clerk to the Board; and Elizabeth Plata, Deputy Clerk to the Board

INVOCATION AND PLEDGE OF ALLEGIANCE

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

CALL TO ORDER

Chair Kost welcomed everyone in attendance and called the meeting to order at 6:05 PM.

APPROVAL OF AGENDA and CONSENT AGENDA

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

The Chair asked consideration of the following:

- Remove from Consent Agenda June 21, 2010 Regular Meeting Minutes to be considered at August 2, 2010 Board of Commissioners' meeting

- Remove Consent Agenda Item #5, Approval of annual contract with Southern Health Partners, Inc. to continue providing health services for detention inmates in the amount of $103,673.16 for clarification and placed on the Agenda after the Public Input Session

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

1. **Minutes:** Approval of Board Minutes for ~~Regular Meeting held June 21, 2010~~, Work Session held June 07, 2010, Retreat meetings held January 21, 2010, and January 22, 2010, and Special Meeting held on June 29, 2010

   The June 21, 2010 Regular Minutes were removed from the Consent Agenda and will be returned to the Board at their August 02, 2010 meeting.

   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. **Withers & Ravenal Engineering Services Agreement:** Approval of a request for design services agreement of the Sanford Interconnect Booster Pump Stations with Withers & Ravenal Engineering in the amount of $130,000, attached hereto and by reference made a part hereof.

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

4. **Contract for Funding with Chatham Trades, Inc.:** Approval of a contract for funding to Chatham Trades, Inc. for Fiscal Year 2010-2011 in the amount of $108,000, attached hereto and by reference made a part hereof.

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

5. ~~**Health Services Contract for Detention Inmates:** Approval of annual contract with Southern Health Partners, Inc. to continue providing health services for detention inmates in the amount of $103,673.16~~

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

6. **Bid Exemption and Award of Contract to Pictometry International Corp.:** Approval of a competitive bid exemption for "sole source" and award contract to Pictometry International Corporation by utilizing the Visual Intelligence System/Oblique Images to assist the Chatham County Tax Department, appraisal Division in conducting field reviews, attached hereto and by reference made a part hereof.

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

7. **Pittsboro Memorial Library Renovation Bid Award:** Approval of a request to award bid to the lowest responsible bidder for the renovation of the Pittsboro Memorial Library and allow the County Manager to execute contract documents and change orders

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

8. **Triangle Clean Cities Grant Award:** Approval of a request to accept a grant award from Triangle Clean Cities in the amount of $8,000 (with $8,000 matching funds) to purchase and install a biodiesel tank

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

9. **Department of Social Services Contract:** Approval of a contract with Child Care Networks, Inc. for Fiscal Year 07/01/10 – 06/30/11, attached hereto and by reference made a part hereof.

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

10. **Economic Development Corporation Appointment:** Approval of a recommendation by the Chatham County Economic Development Corporation (EDC) to appoint James Womack to the Economic Development Commission by Commissioner Thompson

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

11. **Sheriff's Office Vehicle Purchase:** Approval of a request to purchase eleven new Dodge Chargers for the Chatham County Sheriff's Office

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

END OF CONSENT AGENDA

PUBLIC INPUT SESSION

Loyse Hurley, 16 Matchwood, Pittsboro, NC, President of Chatham Citizens for Effective Communities (CCED), presented her comments to the Board and provided them in their entirety for the record as follows:

"Tonight, I would like to make a special request on behalf of the citizens of Chatham County.

As you are aware the NC DOT has issued a US 64 Corridor Study Report detailing their recommended changes to the 64 corridor in order to make it a Superstreet now, and an alternative to I-40 later. Although the official public comment period for this report ended on June 30th, you were granted an extension of time for your official comments until September 1, 2010 because you are a participating partner in the study.

CCEC has found that a large number of citizens are totally unaware of this report and have no idea of the details in this proposal or of the potential impact on their lives. As a result, we requested an extension of time for the public comment period, but were denied one by the NC DOT.

CCEC is attempting to educate our citizens about this proposed project, which, if implemented, will forever change Chatham, as we know it.

Would it be possible for you to reserve a section in your official response to this study report, so that any citizens' comments can be included? CCEC will be happy to coordinate these comments for you. Thank You."

Chair Kost stated that when they learned that the public input was not extended for citizens, the Board made a decision that they would include comments from the citizens.

Commissioner Lucier stated that the report would also include comments from the Environmental Review Board, Transportation Advisory Board, Planning Board, and Economic Development Commission.

Judith Butt, 112 Stone Edge, Fearrington Post, Pittsboro, NC, President of the Friends of the Pittsboro Memorial Library, presented her comments to the Board and provided them in their entirety for the record as follows:

"I have been a Chatham County resident for six years and president of the Friends of the Pittsboro Memorial Library for the past few years. Prior to this time, I lived in the northeast, and served on and was president of a town Library Board of Trustees where our role was different from the role of the Friends of the Library here.

I speak tonight, for myself, not as president of the Friends. I love Chatham County and I love the responsiveness of its government to its residents.

I am distressed that a segment of our community is not provided with the full services of our library. To obtain a library card in Chatham County, our local rules read: 'Applicants for a library card must present a photo ID and proof of their permanent local address. Children 5-15 must have the signature of a parent or other legal guardian to receive a card. This person will be financially responsible for all items charged to the child's card."

By Federal law, we are responsible to provide education to all children within the district through high school. Certainly the library is part of that education and yet in our county the parent or legal guardian must have a photo ID and proof of address such as a utility bill for the child to get a card in order to take home books. Although it is not a state library requirement, our county library director was firm that this was typical policy throughout libraries in the state, essential to protect against losses and she believed it to be a good requirement. She indicated that such a child may use the library, just not charge out books. Her concern was that we could not guarantee the return of books if we did not have both of these forms of identification as there already was a significant loss of books each year, although there were no figures given to document this claim.

This policy is discriminatory. The main purpose of a library is to get books to people. This is penalizing those children, who may be citizens, or who were brought here by their parents who may be unable to get a driver's license, the main way one gets a picture ID. Yes, the Mexican consulate and other foreign consulates can issue a picture ID to foreign nationals, however their requirements often exclude those who do not have legal papers (birth certificate, etc.) necessary to obtain this picture ID.

Lee and Wake Counties both have a way around getting a card for children through the schools. The school sends home a special form provided by the library for the parent to sign that guarantees their responsibility for materials charged on their child's card and then the child is issued a library card. Our county library director did not see this as a solution to this problem since the concern was solely focused on the loss of materials not returned.

Since a photo ID is not mandated by the State, can you study this situation and see if there is a way to remedy this unfair discriminatory policy? I am attaching some material from Wake County and the American Library Association that suggest alternative ways for libraries dealing with this situation. Thank you."

Chair Kost stated that it was her understanding that our Library Advisory Board is not going to meet again until September; that she would hope that the Commissioners could have their input because they are a citizen advisory board on Ms. Butt's suggestions and that of staff as well.

Andy Upshaw, 752 Jay Shambley Road, Pittsboro, NC, stated that he bought twenty-eight acres of land on Jay Shambley Road twenty-eight years ago so that he could enjoy the rural atmosphere of Chatham County. He stated that he operates a wholesale perennial flower nursery, a landscape contracting business, raise a few cows for personal consumption, and sell local farm-raised beef; that he and his wife have twin sons and as a family of four, they have to conserve their resources, especially their water; that their 420 ft. well yields 1½ gallons per minute which can be run dry in approximate 45 minutes; that he has had to limit his desire for a larger nursery, more cows, or let his children run through a sprinkler due to his limited water resources; that recent summer droughts have already dried up their creeks and shallow wells; that increased development in their area places additional demands on the water; their County water district voted against the County water supply recently fearing it would bring more development which is happening anyway; that some of the new homes have 600 ft. wells; that as more development comes to their area, water quality and water quantity will surely suffer. He asked that the Board limit the urbanization of their farmland and follow the County guidelines for the Land Use Plan and keep rural Chatham County rural.

Emily Lancaster, 1000 Jay Shambley Road, Pittsboro, NC, presented her comments to the Board and provided them in their entirety for the record as follows:

"The rural corridor that exists between Pittsboro and Siler City is in immediate danger of being densely developed. Without sound planning and input from Chatham County citizens, the open space between the two municipalities will be lost entirely.

Given Chatham County's proximity to large urban areas, our open spaces are more than just pleasing to the eye; these working agricultural lands are a link to the past and the key to our future wealth and vitality. By allowing sprawl to rapidly eat into the productive heart of Chatham, we are losing our rich farming history and closing the door on the agriculture of the 21st century. Alternatively, by supporting responsible development, Chatham County has the opportunity to become the agricultural gem of the triangle.

We are respectfully asking you to consider the accumulated effect of development in instances where the small-acreage lots and back to back subdivisions are changing the nature of the community and conflicting with the stated conservation and land use goals of Chatham County.

Hundreds of contiguous small-acreage lots (1-3 acres) outside the reach of public utilities can rapidly cause undue stress and pressure on the water table, the land's ability to process waste and on the traffic patterns of small, otherwise-rural roads. After reading North

Carolina's recommendations for septic requirements we are concerned that multiple, contiguous lots of 3 acres and below, bisected by a riparian buffer, are pushing the limits of what is considered environmentally responsible and safe.

We believe there are better solutions than to run county water and sewer 10 miles outside of town limits, or to widen rural roads to accommodate this unplanned expansion. We understand that the county is working on more sustainable, long-term solutions through the Land Use Plan with input from various county boards. Until these solutions are in practice, however, we ask you to use your ability to consider the accumulated effect of dense residential development on our rural communities.

We respectfully request that you take no action on pending plat approvals for this type of subdivision in rural areas for the full length of time you are allotted. This pause would give us, as a community, time to explore solutions that consider the wishes of all of Chatham's rural residents."

Health Services Contract for Detention Inmates: Approval of annual contract with Southern Health Partners, Inc. to continue providing health services for detention inmates in the amount of $103,673.16

Chair Kost explained that the reason this item was pulled from the agenda is that there was no limit of time spelled out in the attachment if either party wanted to walk away from the agreement; that the original attachment listed 60 days; and that she is asking that the agreement be amended to include an advance notice of 60 days be added or either party terminates the contract.

Commissioner Lucier moved, seconded by Commissioner Vanderbeck, to approve the Southern Health Partners, Inc. contract to provide health services for detention inmates in the amount of $103,673.16 with the clarification that agreement be amended to include an advance 60 day notice and that either party can terminate the agreement. The motion carried five (5) to zero (0).

COURTHOUSE UPDATE

Courthouse Roof:

The County Manager explained that bids were received last week for the courthouse roof; that they were sent to the insurance company; and that they anticipate hearing from the insurance company this week. He stated that once approved, they are ready to being work on the roof within the next couple of weeks.

Chair Kost stated that at the last meeting, the Board was hoping to have the contract for the temporary roof and the Chair and Vice Chair had been authorized to review the bids and sign the contract; and that if it was not done by then, it would be brought back to the Board for review, but the bids are still in the hands of the insurance company at this time. She stated that she hoped that the extension allowing the Chair and Vice Chair to review it so that it can be moved forward.

Traffic Circle:

Chair Kost asked about the traffic circle stating that as much advanced notice should be given to Pittsboro businesses as possible.

The County Manager stated that once the work with the contractor is approved, it will give them enough time to give notice and prepare for the scheduled work.

Commissioner Vanderbeck asked if the courthouse traffic circle would be coordinated with the elliptical library circle. The County Manager stated that the library circle seems to be on or ahead of schedule and that they have until August 20th to finish the work.

Commissioner Vanderbeck stated that it was his recollection that both circles could not be shut down at the same time. The County Manager stated that he was correct in stating that both circles would not be closed at the same time.

Chair Kost asked if the trusses for the courthouse roof would be manufactured off-site and brought in to be installed. The County Manager stated that was his understanding.

Commissioner Lucier stated that everyone should be reminded that this is only a temporary roof that will allow the restoration to go forward so that the building can dry out. The County Manager stated that after the trusses are ordered and delivered, the work can most likely be done in two to three days; that they do not anticipate and extended length of closure; and that they do not expect the entire circle to be closed.

Commissioner Vanderbeck stated that he believed that they were going to form the top core so there is still forming work to be done on the top course and pouring with a pumper will take a day or two with good weather added to the truss time. The County Manager stated that they may be able to do that without closing the circle.

Chair Kost asked about boarding up the windows stating that it was her understanding that the important thing is to dry out the building.

COMMISSIONER PRIORITIES

Public Hearing:

Public Hearing on Funds for Construction of Judicial Facility: Public hearing to receive public comments on the execution and delivery of an installment financing contract with the United States Department of Agriculture to obtain funds to construct a new judicial facility

Vicki McConnell, Finance Officer, explained that the public hearing was to receive public comments on the borrowing of up to twenty-four million dollars from the United States Department of Agriculture (USDA) for the construction of the new judicial facility. She further explained that in order to address the inadequate space currently available for the County judicial system, the County included the construction of a new judicial center in its Capital Improvement Plan. The County intends to construct a LEED certified 86,000 square foot judicial facility south of the Courthouse Annex to accommodate the existing and future needs of the judicial system offices and courtrooms. The USDA will provide a longer term and a lower interest rate than conventional private placement financing. Before borrowing funds, the County must hold a public hearing to receive public comments on the project and the borrowing of funds. All projects were included as part of the County's Capital Improvements Plan.

Ms. McConnell answered questions from the Board.

Chair Kost opened the floor for public comments.

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

The Chair closed the floor for public comments.

Other:

FirstHealth EMS Agreement: Approval of EMS Agreement between Chatham County and FirstHealth of the Carolinas, Inc. to provide emergency medical services at the paramedic level

The County Manager explained that on May 5, 1997 Chatham County entered into an agreement with FirstHealth of the Carolinas, Inc. to furnish manpower and equipment in order to provide emergency medical services to Chatham County at a paramedic level of service. The agreement has been renewed twice since the original 1997 agreement was

implemented and it is now time for the Board to consider renewing the agreement to run from July 1, 2010 to June 30, 2013. Budgetary figures are as follows:

Year 1	July 01, 2010 – June 30, 2011	$2,040,908
Year 2	July 01, 1011 – June 30, 2012	$2,102,135
Year 3	July 01, 1012 – June 30, 2013	$2,165,199

Year 1 figures indicate an approximate three percent increase from the current agreement and an approximate three percent increase thereafter.

Commissioner Vanderbeck asked about the threshold for when they start exacting the potential surcharge for gasoline. He stated with gas currently at $2.40, there may be a large padding in the agreement and more than is needed. The second issue that if we do reach the monthly average that allows FirstHealth to increase the contract by $10,000.00 that he doesn't see any provision in the contract for a reset of it. He asked if we get to the $4.50 average, how does one exit from it in contractual terms already having a $10,000.00 commitment.

Donna Strong, FirstHealth Regional Director, stated that when they were renegotiating the contracts in preparing the budget for the Chatham County contract, fuel costs had reached $3.65 per gallon; that they were afraid that if gas continued to rise, they would not be able to meet their contractual obligations without having a built-in plan for it.

Commissioner Vanderbeck stated that he felt it was overly-safe. Ms. Strong stated that they were willing to take that out.

Commissioner Vanderbeck asked if the Board did go along with the $4.50 surcharge, is there language in the contract which allows the amount to reset so that they are not automatically flipping into an additional $10,000.00.

Commissioner Lucier stated that he understands the cost-of-living issue, but for the last two years, the Board has had to cut the non-school budget each year and that he is reluctant to approve the full three-year contract with the built-in three percent cost-of-living increase because other departments may have to be cut next year and it isn't fair for this contract to increase while other things are cut. He further stated that he has an issue with a three-year contract with a built-in inflation factor; that he doesn't want to be tied-in to the automatic three percent increase.

Ms. Strong stated that in order for them to purchase the capital equipment, they feel like they need at least a three-year contract if they commit to making their purchases; that it is difficult to make that type of commitment if they only have a one-year contract; and that they feel that the built-in inflation factor is what they need to make their expenses. She explained that this past year in Chatham County, Montgomery County, and Chesterfield County, South Carolina, there was a decrease in transports which means it will be difficult for them to break even.

Commissioner Vanderbeck asked if it could be indexed so that it wouldn't automatically three percent; that you have to show that it is indexed to some factor that would adversely affect this to help comply with the contract rather than it just being an automatic three percent per year per for years.

Chair Kost asked (1) How many transports FirstHealth had this last fiscal year; and (2) She would like to know about their rate structure stating that she was sure Chatham County citizens were charged if they were transported and any other fee information that would be helpful.

Jim Hasbrouck, Director of FirstHealth Chatham EMS, stated that they had approximately 2,200-2,300 patient transports last year out of approximately 6,000 responses.

Ms. Strong stated that the fees are based on the level of service that paramedics provide; that they range from about $300 - $525; that in addition to the base fee, there is a

$10.75 per mile added; that only the Medicare allowable can be collected; and that there is a 55% collection rate.

Chair Kost asked, that in addition to the $2,040,908 that is the contract amount for next year, what the balance of revenue collected from Chatham County. Mr. Hasbrouck responded that that amount covers salaries.

Ms. Strong and Mr. Hasbrouck explained the specifics of the charges for responding and transports and how it is done on a case-by-case basis. They also answered questions regarding the inflation factor for increasing employees' salary stating that they felt it was important to pay staff well in order to keep the paramedics that were in high demand. Ms. Strong and Mr. Hasbrouck stated that they preferred not to have a raise two years ago so that they could keep than to have determine where the amount could be made up for employees salaries.

Commissioner Thompson asked how many employees they had working in Chatham County, and how many are Chatham County residents. Mr. Hasbrouck responded that he has 39 full-time staff members, 2 additional 40-hour positions, a training officer, and a one-half time secretary and approximately 65% are Chatham County residents.

Commissioner Thompson asked if FirstHealth had a policy to hire people who reside in the County. Mr. Hasbrouck stated that they have employees who have county ties have a strong reason to stay; that they are there not only for the job, but also for the community; and that he likes to hire people who are residents of the County.

Commissioner Lucier asked if the Board was required to take action on this tonight.

The County Manager stated that they were not required to do so; however, he is unsure how long FirstHealth will continue to serve the County without an approved contract. Commissioner Lucier reminded everyone of the unanswered inflation factor questions that Ms. Strong and Mr. Hasbrouck needed to take back to their board.

Chair Kost suggested that a decision on this matter be postponed until the August 02, 2010 Board of Commissioners' meeting when a decision can be reached on the inflationary factor.

By consensus, the Board agreed.

PLANNING AND ZONING

First Plat Approval of "Shambley Meadows, Phase IV": Continuation of a discussion of a request by H & A Properties, Inc. for subdivision First Plat approval of "Shambley Meadows, Phase IV" consisting of 11 lots on 25 acres, located off SR #2165, Hadley Mill Road, Hickory Mountain Township

Lynn Richardson, Land Use Administrator II, explained the specifics of the request, noting that this item was a continuation from the June 21st Board of Commissioners' meeting, as follows:

There are currently 23 lots in Shambley Meadows. Phase I was approved by staff as a five (5) lot minor subdivision on January 26, 2005. Phase II was approved by the Board of County Commissioners on September 19, 2005, consisting of 11 lots. Phase III, consisting seven (7) lots was approved by the Board of County Commissioners on February 20, 2006. Lots are served by individual septic systems and repair areas and individual wells and are accessed by state maintained roadways.

The request before the Board is for First Plat approval of Shambley Meadows, Phase IV, consisting of 11 lots on 25 acres. The property is within a Local Watershed Area which allows a 40,000 square foot (useable) lot size if county water is available and a 1.50 acre (useable) lot size if county water is not available. County water is not available at this time. The lots are accessed by the existing public road, Hadley Mill Road, SR-2165 and a proposed new public, state maintained road, Meadowlark Circle. As shown on the First Plat,

Meadowlark Circle is proposed to be a cul-de-sac approximately 545 feet in length. Road plan approval from NCDOT for Meadowlark Circle will be provided at the time of Construction review. The Chatham County Emergency Operations Office has stated that the proposed road name is not a duplication and can be submitted for approval. The applicant/developer, Harold Howard, has completed the Subdivision Concept Plan process, which included a mandatory meeting with neighbors and community. This meeting was held on May 21, 2009 at 248 Shambley Meadows Drive. Informational letters (12) with a map attached were mailed to all adjacent property owners within 400 feet of the property and the property was posted with an informational sign. Nine (9) people attended the meeting. See the list of attendees in the Application Booklet. Mr. Howard met with the Technical Review Committee on August 12, 2009 to answer questions regarding the proposed subdivision. The staff members and others attending the meeting asked questions regarding the presence of historical features, type of roadway, and placement of homes on the proposed lots in regard to location of the perennial stream. Staff has received a written statement from Mr. Howard stating that the property does not contain any historical structures or cemeteries.

The property does not contain steep slopes of 25% or greater as defined in the Soil Erosion and Sedimentation Control Ordinance revised December 2, 2008, "Steep Slope - Includes all land on gradients of twenty-five (25) percent or greater, or twenty (20) percent or greater on soils with a RUSLE K-Factor of 0.49 or higher. Steep Slope areas are provided on the Chatham County GIS Website (http://www.chathamgis.com/). "

Since the subdivision contains less than 25 lots, the developer was required to submit General Environmental Documentation information. A copy of this document can be found in the Application Booklet. The Environmental Review Board met on December 17, 2009 to review the documentation. A copy of the ERB recommendations can be found in the Application Booklet. The property contains areas of 15% slopes as shown on attachment #3. The recommendations from the ERB include a request that no ground –disturbing activities are conducted on areas of 15% slopes. Attachment #3 shows the proposed house sites to be located outside the 15% slopes. Most of the 15% slope area is located within the riparian buffer. The ERB also recommended that the developer contact the NC Natural Heritage Program for information on the Loggerhead Shirke, which is shown as an Element Occurrence (EO) county wide. Mr. Howard contacted Harry LeGrand, Vertebrate Zoologist with the NCNHP. See attachment #2. Mr. LeGrand stated "that the species nests around the margins of large fields; placing the nest typically in a tree or dense shrub along a vegetated hedgerow; species favors larger pastures; and that the shrike is a scarce species as far north as Chatham County, though a handful of pairs do nest there." Mr. LeGrand also stated that "apparently your property has not been surveyed for Shirkes, so we do not know if the birds are present." The ERB reviewed the First Plat and the additional information provided by the surveyor on May 20. Per an e-mail from Fred Royal, the ERB "approved the plans per their previous comments. They stated that the plan meets their comments."

Fred Royal conducted a riparian buffer review on October 24, 2008. The northern property line (back property line of the lots) is a perennial stream. This stream requires a 100 foot wide riparian buffer to the measured from the top of bank landward. The riparian buffer areas are defined as "a natural or vegetated area that provides a protective distance between a seep, spring, stream, perennial water body or wetland and an adjacent land area which may be converted to some other use." The property is not within the 100 year flood plain. The property is located within a Local Watershed Area.

Each lot will have an on-site individual septic system and repair area and will be served by individual on-site wells. Thomas Boyce, Chatham County Soil Specialist has reviewed and approved the soils report and map prepared by Neal Floyd, Soil Scientist. Mr. Floyd states in his report "All lots are capable of supporting 4 bedroom (480 gpd) conventional systems….."

As part of First Plat review the applicant is required in Section 6.2, Additional First Plat Information, (D) and (E) to submit a stormwater plan, an erosion control plan and a utility plan for review, if applicable. Fred Royal, Environmental Resources Director, reviewed a preliminary stormwater plan and stated in an e-mail "it appears to be heading towards satisfying the requirements of the stormwater ordinance although a full submittal will be reviewed for this determination with future construction-ready documents". A copy

of the e-mail and the stormwater map are included in the Application Booklet. Jim Willis, Lead Soil Erosion and Sedimentation Inspector reviewed the erosion control plan and stated "the concept of the plan is sufficient for erosion and sediment control. A more complete review of design criteria and detail specifications will be conducted when a full application is made for SECS plan approval and a land disturbing permit". Since County water is not available, no utility plan review was required. There was not a request from the Board of County Commissioners or the Planning Division for review by the Appearance Commission or the Green Building Task Force. The applicant completed the GBTF worksheet and it is included in the booklet.

The applicant submitted for First Plat Review on April 16, 2010. The Technical Review Committee met on May 12th (2nd review) to discuss the application. Andy Siegner, Environmental Health Supervisor, reviewed the soils report and map and found the information acceptable. No other comments were received from the TRC. Staff sent an e-mail to David Moody with the Board of Education notifying him of the proposed subdivision and provided an application booklet. Mr. Moody stated to staff that the BOE had no objection to the subdivision.

On June 1, the Planning Board heard the request initially as a Subdivision Public Hearing with public comment, along with staff presentation of the results of the recommendations from the ERB, BOE and Planning Division. Mr. Howard addressed the Board and gave general information about his request. Several property owners, Billie Shambley, Farrel Moose, Emily Lancaster and Bill Dow spoke at the public hearing in opposition to the proposal. Concerns expressed by these property owners included the distance from Pittsboro, change of property use from farmland to residential lots, water usage, water needs for farming, potential plans to develop adjacent property and cumulative effect, increased traffic on Hadley Mill Road, current subdivision road being blocked off from Jay Shambley Road, and conserving farmland. Mr. Howard addressed the questions. He stated that none of the existing homes in Shambley Meadows Subdivision had any water problems; that some wells got 40 gpd; that the soil was good for septic systems; that he currently did not own any more land in the area; that the Troy Howard, LLC owned the balance of the property; that he would like to develop more in the future, it the land comes available; and that the Shambley Meadows Road has not been taken over by NCDOT for maintenance at this time and until that happens, he plans to leave the road blocked off to prevent increased traffic on the road for maintenance reasons.

After the Public Hearing, the Board had the option to discuss the issue and make a recommendation at the June 1st meeting or to postpone for up to three (3) additional meetings. The Planning Board chose to discuss the request and make a recommendation.

The Subdivision Regulations states that "The approval of the First Plat by the Planning Board and the Board of Commissioners serves as permission to begin acquiring permits according to the plans and as a basis for preparation of the construction plan." The Regulations also allow the Board of Commissioners to indicate by majority vote whether to consider the subdivision plans for the next phase, Construction Plan, or the next two Phases, Construction Plan and Final Plat. Staff recommends that the next two phases, Construction Plan and Final Plat, be reviewed and approved by staff.

The Planning Board discussed the request. The Board questioned whether there was an existing Homeowners Association that could work to address some of the concerns of the neighbors, and whether the builder/developer planned to do any 'green' building. Concern was expressed regarding the number of new driveways (5) proposed to access Hadley Mill Road. The Board stated that they preferred to see either a loop road providing access to the five lots #'s 7 – 11, or joint driveways limiting the access points onto Hadley Mill Road. Mr. Howard stated that, in his opinion, a loop road was not feasible given the presence of the perennial stream. The Planning Board recommended that the plan be revised to provide joint access to Lots 7 – 11.

Mr. Howard submitted a revised subdivision plan on June 3rd showing two joint driveways to serve lots 7 & 8 and lots 9 & 10; eliminating two of the access points onto Hadley Mill Road in order to meet the Planning Board's recommendation. A copy of the revised plan is posted to the Planning Division's website.

This request was discussed at the June 21, 2010 Board of Commissioner meeting. Several adjoining property owners spoke with concerns regarding the following: cumulative impacts of development, development being allowed too far from Pittsboro and Siler City, need for a land use plan, increased traffic on Hadley Mill Road, quality of life, and traffic safety. Board discussion followed. Concerns expressed by the Board included access to Lots 1 and 6 be provided only off Meadowlark Circle with no access allowed off Hadley Mill Road, and no portion of the stormwater easement be located within the riparian buffer. The Board tabled the issue until their July 19th meeting.

The applicant/developer has had the First Plat revised (see attachment # 5) to address concerns expressed by the Board. A note has been placed on the map stating that Lots 1 and 6 will be accessed off Meadowlark Circle with no access allowed off Hadley Mill Road, and to show the stormwater easement to be located out of the riparian buffer. This revised plat, dated July 1, 2010, changes the location of the joint driveways from lots 7 & 8 and 9 & 10 to lots 8 & 9 and 10 & 11. The developer thinks this is a better location in order to avoid removal of existing trees and better topography. NCDOT has reviewed the new locations and are in agreement with the change.

The Chatham County Emergency Operations Office has approved the road name Meadowlark Circle. If the Board allows staff to approve the construction plat and final plat, the road name, Meadowlark Circle, will need to be approved at First Plat.

The request meets the standards and requirements of the Subdivision Regulations.

Chair Kost opened the floor to allow new information from adjacent property owners, stating that she would not allow the restating of old information.

Ms. Richardson answered questions from the Board.

Commissioner Thompson asked the County Attorney what their options are.

Jep Rose, County Attorney, stated that the Board has the option to approve the request, deny the request, or take no action.

Commissioner Thompson stated that he understands the concerns of the surrounding property owners; that the question of accumulative effects as a result of increased development with regard to ground water, traffic safety, quality of life are legitimate questions; that it also looks like the developer has done some things to accommodate the Board's request of issues raised at the last meeting; and that it seems like the only viable option is to proceed with it.

Commissioner Thompson moved to approve the request.

Chair Kost stated that she normally did not second motions as Chair; however, she will second Commissioner Thompson's motion. She stated that until the Board updates its Land Conservation and Development Plan and takes a hard look at uses, she feels like the developer has met those rules and the Subdivision Regulations. She stated that she is not crazy about the subdivision, but she thinks the developer has done what he was asked to do.

Chair Kost seconded the motion.

Commissioner Vanderbeck stated that if we had conditional use, the Board could make a case for it, but they do not; that it does comply; that it is not the type of development that he would like to see in our County; and that he doesn't fully support it, but that he has to go along with it.

Commissioner Lucier stated that it was only eleven lots added to twenty-three current lots; that he has a concern about additional development because of its cumulative impact issue; that he thinks that the comments Mr. Thompson made, preceded by those of Ms. Lancaster, are important; that for other subdivisions in this area, the cumulative impact will come into play; however, he will vote in favor of the motion.

Chair Kost called the question. The motion carried five (5) to zero (0).

Waiver from Section 9 of Compact Communities Ordinance: Request by Karen M. Kemerait, Attorney-at-Law, Styers & Kemerait, on behalf of Newland Communities and the John R. McAdams Company for a waiver from Section 9 of the Compact Communities Ordinance, pursuant to Section 15 of the Compact Communities Ordinance

Ms. Richardson, explained the request as follows:

The Chatham County Compact Communities Ordinance states the following:

Section 9: Buffers, 9.1 Riparian Buffers, "Buildings and other features that require grading and construction shall be set back at least ten (10) feet from the edge of the buffer."

Section 15. Waiver, "With the approval of the Board of Commissioners, the requirements of this ordinance may be adjusted, modified, reduced or waived based upon the absence of any reasonable relationship or nexus between the impact of the compact community development and the inclusionary or other requirements set forth herein."

Briar Chapel, Phase 5, Section 1 preliminary plat was approved by the Board of County Commissioners on June 15, 2009. The preliminary plat showed the 10 foot "no-build" line and the proposed retaining walls to be located along the edge of, but out of, the 10 foot "no-build" area. The final plat was approved by the Board of County Commissioners on January 19, 2010. A building permit for the construction of the retaining wall(s) was obtained April 12, 2010.

During the application process in 2005, the applicant stated in their Compact Communities Compliance Response - "Stream buffers are to remain vegetated in a natural undisturbed state. Where limited development activity occurs (activities outlined in above section), the facilities will be designed to minimize impact, and the buffers are to be re-vegetated with native species. Buildings and other similar features shall be set back a minimum of 10 feet from stream buffers." (See attachment # 5)

This waiver request is being submitted directly to the Board of Commissioners without review and recommendation by the Planning Board. The waiver request is from a specific standard in the CCO, specifically, Section 9, Buffers. Staff does not think that Section 15, Waiver, is clear regarding the types of requests or issues that are allowed to be "adjusted, modified, reduced or waived" by using Section 15. The section does not lay out the standards or process for review. However, Section 15 has been used once as part of the approval process of the Conditional Use Permit to allow a waiver from Section 12.3, Housing, Moderately Priced Dwellings of the CCO, to modify Option A.

There are several issues the board will need to address regarding this waiver request prior to making a decision as follows:

1. Under Section 15 should the 'waiver' be processed directly by the Board of Commissioners, as has been submitted, or as a modification to the Conditional Use Permit, which is a formal process that allows for public comment and conditions to be added as part of the approval? To process the request as has been submitted to be reviewed directly by the board, may set a precedent to allow other modifications to be submitted in the future. There are no guidelines specified as to what can be processed as a waiver under Section 15. This is a policy decision to be made by the Board.

2. The waiver request submitted by the applicant's attorney is unclear to staff as to whether the request is for the two specific areas of encroachment in Phase 5 South, Section 1 or as stated on page 2 "In accordance with Section 15, we are requesting that the Commissioners allow a waiver to the ordinance's requirement that buildings that require grading and construction shall be outside the "no build" area".

Ms. Richardson explained that Ms. Kemerait had sent a letter that cleared up the two specific areas. Commissioner Lucier stated that as a point of clarification, the letter was incorrectly dated. Ms. Richardson stated that this was correct; that the letter was dated June 21, 2010 and should have been dated July 21, 2010. Commissioner Vanderbeck interjected that the letter was postmarked July 13, 2010.

3. The waiver request states "we believe that there is a better and more environmentally sensitive solution to the mistake that would not require the destruction of the large walls……..intend to work with the County to find a way to mitigate or negate the effect of the encroachment". Staff thinks the applicant should submit information, prepared by a design professional, detailing how the current retaining wall location has not and will not cause any environmental harm or submit a mitigation plan detailing how Newland Communities proposes to off-set the encroachment.

Staff has provided pictures of the retaining walls in question as attachment #2.

Ms. Richardson stated that staff does not have a recommendation other than that the Board of Commissioners consider the process so that staff has a clear understanding in the future what can and cannot come to the Board as a waiver request.

Karen Kemerait, Attorney, explained their request on behalf of Newland Communities and the John R. McAdams Company for a waiver from Section 9 of the Compact Communities Ordinance pursuant to Section 15 of the Compact Communities Ordinance as follows:

Our firm is representing The John R. McAdams Company, Inc. in this matter. On behalf of Newland communities and The John R. McAdams Company, we are requesting that the Chatham County Board of Commissioners grant a waiver to Newland Communities for Phase 5, Section 1 of the Briar Chapel Compact Community pursuant to Section 15 of the Chatham County Compact Communities Ordinance. Specifically, we are requesting a waiver of Section 9 of the Compact Communities Ordinance that states that "[b]uildings and other features that require grading and construction shall be set back at least ten (10) feet from the edge of the buffer." A waiver of the "no-build" area is necessary since Newland and The John R. McAdams Company recently discovered that large retaining walls (which in some locations are twenty feet in height) slightly encroach in two locations in the "no-build" area outside the fifty-foot stream buffer. The two areas of encroachment are located in Phase 5, Section 1, of the Briar Chapel community which has already received final plat approval.

As background, the Briar Chapel Compact Community consists of 2,389 dwelling units on 1,589 acres, located off Highway 15-501 North and Mann's Chapel Road. The Briar Chapel Compact Community was approved by the Board of Commissioners on February 15, 2005. On January 19, 2010, the Board of Commissioners approved the subdivision final plat for "Briar Chapel, Phase 5, Section 1", which consists of 28 lots on 5.11 acres, located off Briar Chapel Parkway.

In May 2010, several months after receiving final plat approval for Briar Chapel, Phase 5, Section 1, the John R. McAdams Company discovered that retaining walls in the that area of the development slightly encroach in the "no build" area. The encroachment was due to an honest, but unfortunate, mistake in measurement by a contractor for The John R. McAdams Company. The mistake was first discovered when The John R. McAdams Company was obtaining measurements for a certification that the retaining walls in a different phase of the Briar Chapel development do not encroach in the "no-build" area. While measuring for the certification for that phase of the development, The John R. McAdams Company also obtained measurements for Phase 5, Section 1, and discovered at that time that the retaining walls in Phase 5, Section 1, slightly encroach in the "no-build" area. It is important to note, however, that the retaining walls are well outside the fifty-foot stream buffer and do not encroach in the buffer. The Overall Wall Exhibit for Phase 4 South, Section 1, shows two areas of encroachment. Specifically, Wall No 1 encroaches in the "no-build" area by 98 square feet, and Wall No. 2 encroaches by 82 square feet. Therefore, the two walls encroach a total of 180 square feet, while the overall area between the "no-build" area by 98 square feet, and Wall No. 2 encroaches by 82 square feet. Therefore, the two

walls encroach a total of 180 square feet, while the overall area between the "no-build" area and the walls consists of 979 square feet.

Specifically, Newland Communities and The John R. McAdams Company request a waiver for the encroachment of the retaining walls in the "no-build" area. Waivers are expressly permitted pursuant to Section 15 of the Compact Communities Ordinance, and that provision provides:

> With the approve of the Board of Commissioners, the requirements of this ordinance may be adjusted, modified, reduced or waived based upon the absence of any reasonable relationship or nexus between the impact of the compact community development and the inclusionary or other requirements set forth herein.

In accordance with Section 15, we are requesting that the Commissioners allow a waiver to the ordinance's requirement that buildings that require grading and construction shall be outside the "no-build" area. It would be exceedingly difficult and problematic to remove the walls that are encroaching and replace them outside the ten-foot "no-build" area since they have already been constructed and are sizeable. Furthermore, we believe that there is a better and more environmentally sensitive solution to the mistake that would not require the destruction of the large walls.

Newland Communities and The John R. McAdams Company sincerely regret this mistake, and they intend to work with the County to find a way to mitigate or negate the effect of the encroachment.

She stated that that it is her understanding that removing the walls and replacing them would cause more environmental damage. In speaking with Fred Royal, she learned that he is of the opinion that moving the retaining walls would cause more environmental damage. She stated that they were asking from the Board is a waiver for the areas of the encroachment. They recognize that this is mistakable to The John R. McAdams Company and they want to propose a way to offset or mitigate for the space. She stated that what they are proposing would more than offset the mistake. They have met with Ms. Richardson, Mr. Sullivan, and Mr. Royal, on site, to discuss what should be done, and most recently Chair Kost and Commissioner Lucier, to show the areas of encroachment. They believe the waiver is appropriate in the process pursuant to Section 15 of the Compact Communities Ordinance. In order to mitigate, they are proposing to the County, ways that would more than offset the mistake. There is an area between the no-setback area in the retaining walls that has not been built upon. There is a total of 943 square feet between the "no-build" area and retaining walls. They have proposed dedicating that area as part of the conservation easement that has already been entered into. In addition, when there is an area along Wall No. 3 where there is an intermittent near-by stream. It was pointed out that there is some erosion or an area where plantings would be beneficial to the nearby stream. They agreed to provide some additional natural plantings in that area to revegetate the area near the intermittent stream. They were planning to have The John R. McAdams Company prepare a design plan for how that area would be replanted and revegetated, provide a copy to Mr. Royal after the night's meeting and prior to the next Board of Commissioners' meeting so that he can review the plants, and then provide a recommendation about whether the plan is sufficient.

She briefly addressed the Planning Staff's concern as to whether this was an appropriate process. She stated that the question is whether the process should be approved by the Commissioners as they are asking be done or whether a waiver has to in all cases proceed with a modification of a conditional use permit. She stated that she does not believe it is necessary in this situation to have a conditional use permit for Briar Chapel development be modified. The reason for this is that "no-build" setback requirement is a requirement of the ordinance. It is not a stipulation or condition of the conditional use permit. There is nothing in Briar Chapel's conditional use permit that needs to be amended or modified. She agrees that if there is something specific to a condition or stipulation of the conditional use permit that did need to be changed, then going for a modification of the conditional use permit would be appropriate. In this case, there is nothing specific to the conditional use permit. It doesn't change as it is simply a requirement of the setback they are asking be amended. The second concern from the Planning Staff is that the waiver is too open-ended.

She provided a letter showing that a waiver is very strictly limited. The third concern raised was that they had not provided enough information on the mitigation plan. The reason that she had not initially provided the information, was that she had not had the opportunity to speak with Mr. Royal and exchange feedback with him as to what would be appropriate in this situation. So they have committed to dedicating the additional property and land to the conservation easement and also to provide plantings and revegetate the area around the stream. They are asking the Board to approve their waiver request and then at a second hearing, approve their plan for mitigation with the conservation easement and the plantings.

Commissioner Vanderbeck stated that Ms. Kemerait addressed his issues with regard to sending out the second letter to be very specific about what they want from the waiver. Outside of approving the waiver with the specificity and her proposed mitigation, is another issue about what the waiver says and doesn't say for the future. He stated that he appreciates the complexity in trying to move a wall that is already in place because it could make a big mess.

Commissioner Lucier stated that he agrees with the second letter and also with Commissioner Vanderbeck said with regard to moving the walls. He stated that anyone would agree that taking down the walls would cause a lot more damage than doing the things that are being discussed. He stated that he appreciates The John R. McAdams Company, Newland, and her being up-front with what happened. It is a relatively small transgression, but it is a transgression. They appreciate the offer to add additional land to the conservation easement. He feels that clearly something should be done around Wall No. 3 whether it is an intermittent or heavy ephemeral stream. The plantings around the stream would prevent erosion and prevent anything from going down that should be stopped so that needs to be added to the plan. The waiver he feels and has read through, was terrible then and is terrible now; that they need to look at changing it as it is almost a "pile of words"; that nevertheless, he understands the intent and he doesn't have a major issue in applying it here. He addressed the County Attorney and stated that he thinks they need to take a look at it and see if there is a way they can change the language; that he thinks it would raise another question if they change the language in the waiver in the vested rights of Newland Communities as they were approved under the old verbiage.

Jep Rose, County Attorney, stated that this is really a variance situation; that the ordinance doesn't provide for that; and that if the County wants to permit the retaining walls to remain it will need to use the waiver provision on the ordinance.

Chair Kost stated that when the waiver provision was added to the Compact Communities Ordinance, it was controversial; that she would prefer that the Ordinance not have the waiver; that if they were to amend the Compact Communities Ordinance now and clean up the waiver language or even eliminate it, it would not make any difference as Briar Chapel was approved under the other Compact Communities Ordinance.

The County Attorney stated that he thought the legal provision could be removed; however, the Board might want the waiver for a "safety valve".

Commissioner Lucier asked if the Board could modify the language, although he did not propose doing it at the night's meeting. The County Attorney stated that it would have to be routed through the Planning Board.

Commissioner Lucier further stated that he did not intend for it to impact the Board's decision on this matter tonight.

The County Attorney encouraged the Board to find out what the mitigation is before any action is taken to grant waivers. Commissioner Lucier agreed stating that he didn't have any difficulty in making it clear so that the developer knows what to expect with regard to the additional conservation easement and the protection of the stream along Wall No. 3. The County Attorney concurred stating that it should be incorporated in a written document to say specifically what the Board is doing.

Jim Elza, Planning Board Chair, stated that he feels the County Attorney is correct as this is in the nature of a variance. He stated that the variance comes from the Zoning

Ordinance and a waiver usually comes from subdivisions; that the Compact Communities Ordinance is neither; that he believes that the Board's procedure for a waiver and they should proceed with what they have; that they don't have to do anything; that the ordinance does need to be amended as it is under a conditional use permit and it is very confusing; and that he thinks it is better that the Board have a waiver provision for the subdivision site, but that a variance provision is also needed as this is a variance from a setback; that there is no provision in the Compact Communities Ordinance; and that the same confusion was addressed at the Planning Board meeting.

Chair Kost stated that she thinks the Board wants to look at granting the waiver, but that they are not ready to take the action tonight because they would like to see the mitigation plan that goes along with it; that when they met on-site, she asked Mr. Royal to not only look at the specific sites where the walls are located, but to look along the streams within the project to see if he had another concern in an area.

Ms. Kemerait stated that they had buyers who wanted finality to purchase lots; and that she thought a possible solution might be to grant the waiver contingent upon approval of the mitigation plan at the Board's consideration.

Chair Kost stated that she was not comfortable with the proposal; that she wanted to see the mitigation plan along with it; that she understands that she is sensitive to it, but the Board did not cause it; and that she wants to see the mitigation plan. She asked the Board for their thoughts.

By consensus, the Board agreed to postpone a decision this matter until the August 2, 2010 Board of Commissioners' meeting. Chair Kost asked if they would give consideration to getting the fence up, as it is a potentially dangerous situation.

MANAGER'S REPORTS

The County Manager reported on the following:

964 East Street Building Renovations:

The renovations on the 964 East Street Building renovations have begun; that it is anticipated that it will be a six-month process; and that it is anticipated to go smoothly.

Library:

The new library is on schedule and that they are looking forward to it opening on schedule.

Johnson Control (JCI) Contract:

The Johnson Controls has completed the lighting, solar water heaters for the jail and annex, ozone laundry at jail, dropped ceiling at jail, computer management process, and the low-flow water conservation measures. He stated that the mechanical heating and air conditioners and the controls for HVAC are approximately 50% complete.

Western Wake Partners Discharge Update:

The proposed Western Wake Partners discharge meeting originally scheduled for July 29, 2010 has been postponed. He asked for feedback from the Board so that Staff can set up a hearing to be held sometime in August.

Chair Kost stated that the meeting is a community meeting to talk about the Western Wake discharge line through Chatham County; that it should be noted that this is a Chatham County meeting and not a Cary meeting; that participation by Cary is requested since they are the lead agency for this as well as their engineering staff.

The County Manager stated that he talked with the Cary Town Manager last week and agreement was not reached on the agenda format.

Commissioner Lucier stated that some time ago, the Board received a formal request from Cary to grant permission to cross Chatham County; that the Board has not yet given permission to do so; that before they do, it will be important to hold a public input session to receive public comments from citizens.

Chair Kost asked that the County Manager suggest dates on which the meeting could be held.

COMMISSIONERS' REPORTS

Animal Control Building:

Commissioner Cross praised the efforts of those responsible for the painting and clean-up of the Animal Control Building stating that the dog runs have had a special coating put on them and the building looks much better.

Commissioner Lucier stated that he hears nothing but good things about the Animal Control folks.

Legislature Extension Act:

Commissioner Lucier stated that the Legislature approved a permit extension act that extends the approvals that counties have given different developments for another two years; that it has an interesting caveat; that it states that counties can opt out of this permit extension act if they adopt a resolution saying as much; that his thought is that the Board should draft a resolution, if the Board agrees, with the proposal to opt out.

Chair Kost stated that she supports it as she thinks it is a local decision that should be made on a case-by-case basis.

Commissioner Vanderbeck asked if Staff had any reason that they felt the Board should not opt out. None were presented.

Commissioner Cross stated that there were some other restrictions there also including that the property has to be owned and built by the owner.

Chair Kost stated that it probably be done by resolution; that approximately one year ago, there was a spreadsheet in the "works" which is probably now complete; that it included taking all approved development with where it was in stages when the original extension act was approved; and that she would like to see the spreadsheet so that she will know where the extensions are now.

Resource Conservation Manager:

Commissioner Lucier stated that the Board discussed the Resource Conservation Manager during the budget session; that it was left up to staff to determine whether or not this position would be hired; that if it wasn't hired, the monies that would be saved would be put back into contingency; that he would like for the Board to agree that this position will not be hired unless approved by the Board of Commissioners; and that they should reconsider the position again in December.

By consensus, the Board agreed.

Siler City Rotary Club:

Commissioner Thompson stated that he was invited to speak at the Siler City Rotary Club last week; that he took the opportunity to tell citizens how fiscally responsible the Board has been the last couple of years; that he also talked about some of the things the Board has done in the Siler City and Chatham County; and that he was glad to take the opportunity to do so.

Green Building and Sustainable Energy Advisory Board Meeting:

Commissioner Vanderbeck stated that on July 13, 2010, the first meeting of the newly formed Green Building and Sustainable Energy Advisory Board was held; that Sybil Tate did a great job of preparing for and running the meeting; that she was assisted in part by Jeffrey Starkweather who helped go over some of the discussion regarding the bylaws and Government 101, etc.; and that they are a good group who seems to be fully engaged.

Durham County Public Hearing:

Chair Kost explained that on July 26, 2010, Durham County will hold a public hearing on the 751 Assemblage; that it has been ruled that there is a valid protest petition on file which will require super majority, 4 of 5 commissioners, to approve the development; that Chatham County is on record as opposing it; that she will attend the public hearing and speak on behalf of Chatham County. She stated that she believes the environmental aspects of the meeting will be well-covered; and that she will focus her comments on the traffic and its impact on Chatham County roads.

Commissioner Lucier stated that Chair Kost should stress that on at least two occasions, the Board sent something to the Division of Water Quality (DWQ) and the Durham Commissioners regarding resolutions that have been passed on this issue. He suggested that she carry copies of the resolutions with her to refer to. Chair Kost concurred stating that she had reviewed their applications and staff materials and found that they really did a disservice to Chatham County with regard to the impact on Chatham's roads, including O'Kelly Chapel Road going into Cary.

Commissioner Goals:

Chair Kost reminded the Board of the Commissioner Goals will be discussed at the August 2, 2010 Work Session.

Natural Gas Deposits:

Chair Kost stated that the Board has asked the County Manager to give them an update on the natural gas deposits in Chatham County, not only from a science standpoint regarding what is under us, but also as far as the process if the mining would happen and how it would work.

Town of Pittsboro Library Request:

Chair Kost stated that the Board had received a request from the Town Of Pittsboro regarding the old library building; that they have asked Staff to provide their recommendation on the request by Pittsboro who has asked that the building be returned to the Town.

Chatham-Cary Subcommittee Meeting:

Chair Kost stated that Commissioner Lucier and she had met with the Subcommittee members last week; that they were scheduled to meet again on August 13th, but the meeting has been moved to August 19th in order to have a concentrated discussion on the urban service boundary issue; that she shared with the Board earlier that the community that there are two draft employment centers in the plan; that they have asked Cary for time to let Chatham get some community involvement as they have never seen anything in any of the plans they have done on the center on the Wake-Chatham Line; and that they are hoping to schedule the meeting sometime in September.

American Tobacco Trail Crossings in Chatham County:

Chair Kost stated that she attended a meeting with the North Carolina Department of Transportation (DOT) staff and Cary Staff regarding the crossings of the American Tobacco Trail in Chatham County; that DOT presented their plan for what they were planning to do with regard to the dangerous crossings; that after they shared what they planned, she asked

them what they were going to do to fix the problem; that she found that they were planning to decrease the speed limit from 55 MPH to 50 MPH which wasn't done; that after they reviewed all the crossings of the American Tobacco Trail in both Wake and Chatham Counties, that they determined that the speed limit in Chatham County on New Hope Church Road was going to be left at 55 MPH and decrease O'Kelly from 55 MPH to 50 MPH; that for all of Wake County's crossings, the speed limit was decreasing anywhere from 45 MPH to 25 MPH; that she asked them to look at them for a little more consistency across highway districts; and that better signage is to happen; that the bicycle sign in Chatham County on O'Kelly Chapel Road had already been stolen.

ADJOURNMENT

Commissioner Lucier moved, seconded by Commissioner Vanderbeck, to adjourn the meeting. The motion carried five (5) to zero (0), and the meeting was adjourned at 7:39 PM.

_____
Sally Kost, Chair

ATTEST:

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