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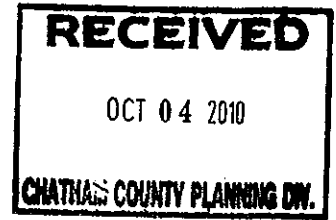
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September 30, 2010

Mr. Jason Sullivan
Planning Director
Chatham County Planning Department
80-A East Street
Pittsboro, North Carolina 27312



Ms. Angela Birchett
Land Use Administrator
Chatham County Planning Department
80-A East Street
Pittsboro, North Carolina 27312

RE: Information Re Polks Village's Application for Amendment to the Conditional Use Permit

Dear Mr. Sullivan and Ms. Birchett:

As you know, I spoke at the Public Hearing on September 20, 2010 about Williams Corner's concerns of Polks Village's Application for an Amendment to its Conditional Use Permit ("CUP"). As I mentioned at the Public Hearing, one of Williams Corner's concerns is that Polks Village is requesting that uses be added to its CUP that will be in direct competition to planned and approved uses for Williams Corner and other nearby developments. Therefore we believe that Polk's current request is contrary to representations (*i.e.*, that Polks Centre's would not be competing uses to Williams Corner's uses) that it made during the approval process for its CUP in 2006.

At the Public Hearing, the Commissioners requested that I provide (1) the minutes of the Public Hearing and Commissioners' meetings in 2006 in which Polks Centre's applications for a rezoning and CUP were addressed, and (2) information about the specific representations that Polks Centre made about uses and competition of uses. Accordingly, I have attached the minutes of the July 18, 2006 Board of Commissioners Regular Meeting in which a Public Hearing on rezoning and CUP requests were heard (Attachment 1); the minutes of the October 16, 2006 Commissioners' meeting (Attachment 2); the Agenda Abstract for the rezoning and the CUP requests that were heard during the Commissioners' October 16, 2006 meeting (Attachment 3); and Polks Centre's letters dated August 31, 2006 and September 25, 2006 to demonstrate the "need" for the development (Attachment 4).

Initially, I wanted to point out instances in which Polks Centre referred to Williams Corner as its "sister" project or development. In the CUP application that was submitted in 2006 and during the Public Hearing on July 18, 2006, Polks Centre referred to Williams Corner on a number of occasions as its "sister development" and its "sister project". (*See* CUP application, pgs. 1, 160, 161, and Minutes of July 18, 2006 Meeting) Similarly, Polks Center stated in its CUP application that Polks Centre would provide office space for service companies and general retail space that does not currently exist in the area. (*See* CUP Application, Section 8.2.2) It is clear that Polks Centre and

M. Gray Styers, Jr.
Karen M. Kemerait
Charlotte A. Mitchell
Deborah K. Ross

Williams Corner were planned to be complimentary developments to ensure that both would thrive and that neither would cancel the other out.

Also, during the approval process in 2006, there was concern about whether there was a “need” for the Polks Centre development in light of the existing and approved developments in the area. For example, at the Public Hearing, the Polks Landing Home Owners Association spoke against the applications on several bases, and requested postponement of the requests to evaluate the need for further commercial development in the area. At the Planning Board hearing on September 5, 2006, the Planning Board recommended denial of the CUP because the case for “need” had not been made due to the current and approved commercial developments in the area. After the Planning Board hearing, Polks Centre provided a letter dated September 25, 2006 in which it provided information to justify the “need” for the development. In the letter, Polks Centre also made representations that there would be no direct competition businesses with Williams Corner. Specifically, Polks Centre made the following statements:

1. “A review of current usages and commercial space reveals that the uses for Polks Center are unique for the majority of the space.”
2. “Polks Centre does not plan to have direct competition businesses due to the unique and eclectic mix of businesses.” (emphasis added)
3. “Polks Center is unique in what businesses it will offer in comparison to the other projects which it has been compared to. No other project has planned to make use of its space to include an office supply business, available flex space, and large market restaurants.”

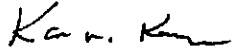
In the Abstract Agenda dated October 16, 2006, the Planning Staff stated it is the Staff opinion that finding number 2 (*i.e.*, the requested CUP is either essential or desirable for the public convenience and welfare) may not be made from the standpoint of need and desirability. Also, Staff noted its concern that “approval of additional commercial area along US 15-501 will significantly undermine the market of approved and required commercial development.” Therefore, the Staff recommended that the Commissioners consider the list of uses that Polks Centre requested and determine if all are to be allowed for uses that are not currently available in this area or were previously listed in the Williams Corner and Briar Chapel approvals. After Polks Centre provided information that there would be no direct competition with the nearby developments (in the September 26, 2006 letter), the Commissioners unanimously voted to approve the rezoning and CUP.

As we believe that Polks Village’s current application is in contradiction to its previous plans and representations, we are asking that Polks Village’s current application be carefully considered. Also, we would request that the Commissioners again (as was done in 2006) consider the “need” for the requested uses -- whether the requested uses are currently available in Williams Corner and the other nearby developments.

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I appreciate your consideration of this information.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Karen M. Kemerait". The signature is fluid and cursive, with the first name "Karen" being more prominent than the last name "Kemerait".

Karen M. Kemerait

Enclosures

**MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
JULY 18, 2006**

The Board of Commissioners ("the Board") of the County of Chatham, North Carolina, met in the District Courtroom, 12 East Street, located in Pittsboro, North Carolina, at 6:00 PM on July 18, 2006.

Present: Chairman Bunkey Morgan; Vice Chair, Tommy Emerson; Commissioners Patrick Barnes, Mike Cross, and Carl Outz; County Manager, Charlie Horne; County Attorney, Robert L. Gunn; Assistant County Manager, Renee Dickson; Finance Officer, Vicki McConnell; and Clerk to the Board, Sandra B. Sublett

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

PLANNING AND ZONING

Keith Megginson, Planning Director, explained that the following items have been withdrawn by the developer and that they do not anticipate them returning to the Board anytime in the near future:

Public Hearing for a Conditional Use Permit for a Planned Unit Development: Public hearing to receive public comments on a request by Sears Design Group, P. A. on behalf of Fitch Creations, Inc. for a Conditional Use Permit for a Planned Unit Development (Farrington North) on 40 acres, to consist of 24 clustered single-family homes and 9 single-family lots, 33 total residential units, located off SR #1718, Villageway and SR #1785, Beechmast, Williams Township

Public Hearing for RA-40 Conditional Use District for a Planned Unit Development: Public hearing to receive public comments on a request by Sears Design Group, P. A. on behalf of Fitch Creations, Inc. for a RA-40 Conditional Use District with a Conditional Use Permit for Planned Unit Development (Farrington East/Northern Section) on 46 acres, (no residential units to be located on this section), located off US Highway #15-501 North, Williams Township

Public Hearing for RA-40 Conditional Use District for a Planned United Development: Public hearing to receive public comments on a request by Sears Design Group, P. A. on behalf of Fitch Creations, Inc. for a RA-40 Conditional Use District with a Conditional Use Permit for a Planned Unit Development (Farrington East/Southern Section) to consist of 28 clustered homes and 50 single-family lots (78 total residential units) on 197 acres, located off US Highway #15-501 North, Williams Township

Public Hearing for a Revision to Existing Conditional Use Permit for a Planned United Development: Public hearing to receive public comments request by Sears Design Group, P. A. on behalf of Fitch Creations, Inc. for a revision to the existing Conditional Use Permit for a Planned Unit Development for the Village of Farrington to transfer allowed dwellings from Farrington East to the undeveloped Village Center lands to consist of 162 residential units on 1,227 acres, located off US Highway #15-501 North, Williams Township

Public Hearings:

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

Public Hearing for B-1 Conditional Use District with a Conditional Use Permit for Banks, Savings and Loans, Etc.: Public hearing to receive public comments on a request by Baycorp Development, Inc. on behalf of Ridgely W. Cook, Jr. and Julia Ann Cooper for B-1 Conditional Use District with a Conditional Use Permit for banks, savings and loans, finance companies, credit agencies and similar financial institutions, on 1.351 acres, located off US Highway #15-501 North, Baldwin Township

Baycorp/District:

Patrick Bradshaw, 128 Hillsboro Street, Pittsboro, NC, stated that he is representing Baycorp Development, Inc.; that the application is consistent with the policies and goals of the Chatham County Land Conservation and Development Plan; that the proposal promotes the policy of the Land Use Plan to insure that development is “guided to suitable locations and is designed appropriately”; that the site is near a critical commercial intersection in northeast Chatham County; that commercial developments exist on all quadrants of the intersection and to the north and east of the site; that the parcel has excellent frontage on US Highway #15-501 and is ideally suited for business use; that the design will conform to or exceed all County standards set forth in the Design Guidelines and other applicable ordinances; that the site is located in what would certainly be an “economic development center” and a “cross-roads commercial center” under the Land use Plan, although those zones have never been formally adopted; and that the proposal will satisfy and promote several objectives of the land Use Plan in that it will site a commercial use along a major highway in commercial clusters at specific, designated locations, and it will be part of a commercial cluster sited so that it might be served by transit in the future along the US Highway #15-501 corridor identified in the Land Use Plan.

Mark Barroso, 110 Persimmon Hill Road, Pittsboro, NC, stated that he had a question about the “similar financial institutions” whether it meant pawn shops or check cashing facility.

Quasi-Judicial:

Patrick Bradshaw, 128 Hillsboro Street, Pittsboro, NC, stated that the use of this property for a bank or similar financial service business will be beneficial to Chatham County by providing necessary services to local citizens by increasing ad valorem real and personal property tax revenue and by adding to the number of local jobs available to County residents; that the location of numerous commercial uses near this property supports the conclusion that conversion of the property from residential to commercial is appropriate; that given the significant residential growth in the area, including the approved Briar chapel Subdivision, banking and financial services will be in demand in this location; that the only bank branch currently located between the County line and Fearington Village is the new State Employees Credit Union located at Old Lystra Road and US Highway #15-501; that many people in the area travel to Chapel Hill for banking services; that the current ad valorem tax revenue generated by the property is about \$500.48; that Baycorp estimates that after construction the value of the land and improvements will be approximately \$2,565,000.00; that at the current tax rate, the ad valorem tax revenue would be approximately \$16,82.00; that demands on County services from this project will be minimal; that use will not increase the County school population, will not require infrastructure improvements from the County and will have no significant impact on County fire, law enforcement or rescue services; that after the property is built and operational, it is expected that there will be approximately 10-15 full-time employees in the business; that construction of the structure will provide temporary employment for a number of persons involved in the building trades and professions; that some of the personnel employed permanently in the business will be professional skilled employees and the compensation of all employees is expected to be competitive in the market; that the project is designed to have minimal impact on adjoining properties and will comply with all buffering and screening requirements; that exterior lighting will be down-lighting with direct glare shielded from adjoining roads and properties and will comply with the Chatham County Lighting Ordinance; that the proposed bank or financial institution use will produce

ordinary levels of noise; that no industrial or significant noise-generating activities or uses are proposed; that the site plan has been reviewed by the Appearance Commission which commented that this was the best, most thorough and one of the most creative site plans that they could remember seeing for a commercial project; that the Appearance Commission recommended keeping the vacant rear portion of the property as a mowed meadow and recommended changes to some of the small border plants and switching the locations of some trees; and that Baycorp will gladly comply with those recommendations.

Bill Piver, 8009 Creedmore Road, Suite 200, Raleigh, NC, stated that this is a prototypical bank model; that they have exceeded the parking requirements; that it will be a maintained meadow; that the landscaping will shield the meadow from the parking; and that they will connect into the existing sewer system in the area.

Rynal Stephenson, 4928-A Windy Hill Drive, Raleigh, NC, stated they did the traffic study to the area and that there would be relatively little impact on the area.

Patrick Bradshaw that on behalf of Baycorp Development, he respectfully submitted that the evidence provided in the application and at the hearing is sufficient to support the five necessary findings under the Chatham County Zoning Ordinance; that Baycorp's project will enhance the health, safety, and welfare of the citizens of Chatham County by providing a service for which there is a high demand in a sensible location; that they respectfully request that the proposed conditional use zoning district and conditional use permit be granted. He added that, for the record, he would like to object to the testimony in this portion of the hearing of any witnesses who lack standing to testify under North Carolina law and to any opinions that are offered without adequate foundation under North Carolina law.

Allison Weakley, 311 Boothe Hill Road, Chapel Hill, NC, stated that she was a biologist and submitted her qualifications for the record. She stated that in review of the application, she noticed at least four items that warrant further discussion and for which she has questions: 1) Plan for wastewater treatment and disposal; 2) Impervious surface calculation; 3) Proposed landscaping plant list; 4) Future plans for this property. She stated that it is not clear from information submitted with the application how wastewater treatment and disposal will be handled; that the applicant states in their application that the Department of Environmental and Natural Resources (DENR) supports purchasing lots or wastewater rights to lots from the Cedar village residential community adjacent to this property; that a letter from the Division of Water Quality (DWQ) to Soil and Environmental consultants (S&EC) included in the application suggests that wastewater treatment capacity will be sought via Cole Park Plaza WWTP or that ten lots must be purchased from Cedar Village WWTP; that it is unclear from the application how wastewater treatment and disposal will actually be handled or what alternatives are available; that if allocation of wastewater capacity depends upon other parties and properties, it should be spelled out more succinctly in the application; that she is concerned that Chatham County is setting a dangerous precedent if this request is approved without a solid, clear explanation of the proposed wastewater treatment and disposal plan; that the more properties involved, the more complex the situation, and the County has a right to know upfront the plan for wastewater treatment and disposal before granting a Conditional Use Permit; that to not be clear on wastewater treatment and disposal alternatives is not consistent with Finding #5, required by the Zoning Ordinance; that Finding #5 requires that a plan for wastewater is in place; therefore, it is her opinion that, based on the application, this finding cannot be met and a Conditional Use Permit should not be granted; that a conditional Use Permit should not be granted unless the developer can prove capacity for wastewater is available and sufficient efforts have been made to obtain capacity, either by proof that Cedar Village will sell lots (or rights to ten lots) or that there are sufficient soils on site to support a septic system.

She stated that the application states that the parking lot, driveway, and building together meet the maximum impervious surface of 36% for the WS-IV-PA watershed; that though this may be a creative way to deal with impervious surface, she is concerned that the development only meets the 36% impervious surface requirement if three other lots are included in area calculation; that at the time of application, the development far exceeds the 36% impervious surface limit on the property they request to rezone; that she is concerned that the County is setting a bad precedent if they allow this sort of

calculating for the sake of impervious surface; that a Conditional Use Permit should not be granted without guarantee that lots to serve to meet the impervious surface requirement remain completely (100%) pervious in perpetuity, not just for the term of the Conditional Use Permit; that the residential lots used to meet the impervious surface should be completely pervious before any construction on the rezoned commercial parcel (Cook/Cooper property) takes place.

She stated that the list of plants for landscaping is not legible in the documents posted on the Chatham County website; that as a botanist, she has an interest in seeing the list of plants proposed for landscaping; that she trusts the Appearance Committee to strongly encourage the use of native plants, and strongly urges the County to prohibit the use of any plant species known to be invasive in the southeastern United States; that the list was originally compiled by her under contract with the NCBG under her maiden name (Allison Schwarz).

She further stated that reference was made in the letter from DWQ and in the traffic analysis for this application to a vacant gas station that was to undergo revamping to twenty pumps plus a fast food restaurant; that the applicant should clearly explain what these letters actually refer to, as the application is for a one-acre site with a bank, not a gas station; that the County has a right to know before sketch design approval if rezoning of this parcel is part of a larger plan; that it is also her understanding that the 4-5 acre parcel now owned by Baycorp adjacent to the parcel for which this application pertains was already rezoned in 2005 for a bank; that those who spoke during that public hearing on that application in 2005 were concerned that there was no plan in place for that property.

She concluded by stating that the Baycorp request for a Conditional Use Permit should be denied, at the very least Finding #5 cannot be made and that the application is inconsistent with the required five findings as outlined in the Chatham County Zoning Ordinance.

The Chairman closed the public hearing.

Public Hearing for a B-1 Conditional Use District with a Conditional Use Permit for Retail, Office Buildings, Etc.: Public hearing to receive public comments on a request by Blake & Associates, Inc. on behalf of HBP Properties, LLC for a B-1 Conditional Use District with a Conditional Use Permit for retail/office buildings/restaurants/bank/insurance/financial services/specialty retail/furniture/pet shop/art house theatre/gallery/pharmacy/drug store/engineering/service offices/distribution centers (see application for specific uses), on 40 acres, located at the intersection of US Highway #15-501 North and SR #1530, Polks Landing Road, Baldwin Township

District Request:

Travis Blake, 10700 US Highway #15-501, Chapel Hill, NC, stated that this is a sister project to the Williams Corner project; that it is in the commercial corridor; and that it will have 125, 000 square feet of commercial mixed use.

Ann Edwards, 219 Creeks Edge, Chapel Hill, NC, stated that she is representing Polk's Landing; that the Polks Landing Homeowners Board of Directors stands in opposition of this land being rezoned from residential to commercial; and that they enjoy the rural character of their wooded neighborhood and do not desire commercial development on their north border.

Jamie Nunnally, 101 Wilder Ridge, Chapel Hill, NC, stated that she requests delay of the approval of this project; that it should wait for a more comprehensive plan for the area; that the plans for its sister project have changed; and that she is concerned about increased traffic and crime to the area.

Jeffery Starkweather, PO Box 217, Pittsboro, NC, stated that he requests that the hearing be continued; that there is a concern over need; that overdevelopment of commercial space is rampant; that the notion that it is on the Highway #15-501 corridor and it is automatically a commercial zone is not true; and that Chatham County needs a highway corridor ordinance.

Permit Request:

Travis Blake, 10700 US Highway #15-501, Chapel Hill, NC, stated that they met with neighbors from Polks Landing; and that they made changes based on feedback from the group.

Ann Edwards, 219 Creeks Edge, Chapel Hill, NC, stated that she is representing Polks landing Homeowners Association Board and that they do not support this request for Polks Center, a development that would be directly north of their wooded neighborhood of 105 homes; that they oppose any new commercial development in north Chatham County until a commercial corridor ordinance is established that will balance commercial growth with other interests; that their board was inclined to support the request as it was presented to their homeowners initially with retail tenants no larger than 25,000 square feet; that since that time, the plan has changed to include commercial buildings as large as 40,000 square feet; that they are not convinced that the developer will be mindful of their homeowners' concerns about the impact of increased traffic, noise, and light on their neighborhood; that they request a peer review of the Kimley-Horn and Associates traffic impact analysis conducted by the developer; that they request implementation of a noise ordinance before this development is approved; that this request does not meet at least three of the five findings that must be reached by the Board of Commissioners to approve a Conditional Use Permit; that it is not essential or desirable for public convenience, will impair the integrity and character of surrounding or adjoining districts, and that it is not consistent with the objectives of the land development plan; that several of the old and new shopping centers in this area are currently unable to rent the space they have; that they question whether there is a demand for more commercial development here; and that they ask the Board of Commissioners to allow time for comprehensive planning before approving any further commercial development in north Chatham County.

Allison Weakley, 311 Boothe Hill Road, Chapel Hill, NC, commended the developer for proposing to use low-impact development stormwater techniques and employing green building techniques with solar components in his development and for seeking out public input and for actually considering it. She stated that she hoped that the developer would consider her comments as valuable input from a neighbor who would be potentially patronizing the proposed shopping center. She also stated that it is unclear from the application what kind of commercial center is really proposed and what stores will occupy the development; that it is concerning that more of a plan is not in place before a request for a Conditional Use Permit is submitted; that in her review of the proposal, she noted that there were discrepancies for the proposed buildings; that the application states that "no single tenant will occupy more than 40,000 square feet" but does not specify building sizes in much detail; that the traffic study states that "approximately 20,000 square feet of general office space, 92,500 square feet of general retail space, one high-turnover sit-down restaurant, and a drive-in bank"; that the memo states that the Polks Centre development will include 70,000 square feet general retail, 20,000 square feet flex space, 5,000 square feet each for two high-turnover restaurants, and one 5,000 square feet bank; that she would encourage the Board to limit the number of fast food restaurants in this area of Chatham County; that she would also encourage the Board to request clarification on what exactly is proposed in terms of building size and location; that it is concerning that the proposed development; in conjunction with other developments included in the traffic analysis, will provide a "C"-rated level of service (LOS) equating to an average wait of thirty seconds at this intersection, even with the proposed improvements of additional southbound lane and westbound lanes; that there is no real plan for wastewater disposal on site and alternatives are not clearly laid out; that no application has been submitted for Polks Centre for either a wastewater treatment facility or a spray system; that the developer suggests other projects may make use of the reuse water, but fails to mention which projects; that the Division of Water Quality (DWQ) has not received a plan for the disposal system; that the plans for disposal remain unclear and no alternative for the wastewater spray system is provided, not even septic; that no hydrological tests have been completed; that until they are, it is not known what portion of the proposed sprayfields may have high water tables; that water tables are typically higher near streams and flood plain soils take up a portion of the site; that she is unaware of a map of the sprayfield; for a complex system that intends to cross property boundaries, the County has the right to know upfront what is planned; that in the application, the developer states that

they have received approval for water supply from Chatham County Public Works for up to 40,000 GPD, but only 23,000 GPD wastewater is accounted for in the application; that it is unclear how the developer is implementing low impact development stormwater techniques; that low impact design stormwater techniques control stormwater more at its source than what is proposed in the request; that Cub Creek is already significantly negatively impacted by existing development in its watershed, most recently by Chatham Downs, and mitigation of further negative impacts is necessary to ensure that cumulative effects of development do not impair it further; that as a neighbor who will pass the development on a daily basis, she has an interest in its appearance; that a combination of shrubs with trees will provide a more opaque vegetated buffer; and that she is not clear if the development will be pedestrian friendly; that walkways are not apparent on the Site Plans. She summarized by saying that based on the application submitted, not all five required findings can be met, especially Finding #5; that for that reason, she encourages the Board to deny the request for a Conditional Use Permit at this time; that she understands the financial implication for the developer, but that he stands to make a tremendous profit from the development and the County has the right to have a more complete plan for such a comprehensive and complex wastewater project; that at the very least, the County should consider the following recommendations before this request is approved, given the location of the site along Cub Creek and its potential impacts on adjacent properties: 1) Increase stream buffer along Cub Creek to a minimum of 100 feet on each side; 2) Encourage use of low-impact development stormwater features that are distributed throughout the impervious site; and 3) Require more detailed wastewater treatment plan with map of sprayfield (or other disposal means) before sketch design approval.

Travis Blake, stated that he wanted to make it clear that he was from Chatham County; that he listens to people from other places who move into the County; and that the developments on which he is working are innovative and come from years of environmental experience. He answered citizens' questions.

BREAK

The Chairman called for a short break.

BOARD OF COMMISSIONERS' MATTERS

Commissioner Electoral Districts: Public comments on correcting Commissioner district population imbalances; Consideration of changing to electing commissioners by district; and Consideration of adding two additional commissioners

The Chairman explained the specifics of district imbalances.

Jeffrey Starkweather, 570 Old Goldston Road, Pittsboro, NC, stated that he is a democrat and is the president of Chatham Coalition, which is a non-partisan; that he feels strongly that the County needs to redistrict as things are out of balance; that he is against voting by districts; that it will exacerbate tensions; that it will disenfranchise the rural and western parts of the County; that it will disenfranchise minorities; that he favors five districts with two at-large seats; that this is not the appropriate time during an election cycle; that one of the candidates on the ballot has come out in favor of this proposal; that when he moved here in 1972 commissioners were voted by district; that one of the reasons that it was changed to countywide voting by residency by district was the idea that the Commissioners should be representing all the people; that if we had also not had an African American elected to an office due to geography; that this minority is not in one district alone; that Commissioner-elect Thompson would not have won if the County had voted by district; that 67% of the voters are in the eastern part of the County; that if Commissioners were elected by district, they would not be aware of issues in other parts of the County; that this will highlight regional conflicts; that the advantage of adding two at-large commissioners would help reflect changes in population; that it would allow for more diversity on the Board; that Orange County would go to a blended system that votes by district during the primary and at large at the regular election; that the County should not be doing a referendum during this election; and that the County has time when the new Board gets into office to deal with this matter. Mr. Starkweather submitted comments

that he asked be made a part of the official record which are attached hereto and by reference made a part hereof.

Nick Meyer, 988 Boothe Hill Road, Chapel Hill, NC, stated his chief concern about districts is that it would be based on the numbers of the 2000 census; that the demographics have changed considerably in the last six years and will change again; and that the County needs to look at this long and hard to avoid as many unintended consequences as possible.

The Chairman stated that he had received a letter from Siler City Commissioner Sam Adams endorsing the redistricting idea and thanking the Board of Commissioners for bringing it to the citizen's attention. He stated that he had also received a letter from Goldston Mayor Tim Cunnup endorsing the idea.

Margie Ellison, 11538 Highway #902, Bear Creek, NC, stated that as she stood before the Board last night, she was disgusted; that as the Board considers this change, it will limit citizens rights; that it will create racial division; that she has spoken with over sixty citizens that do not want the Board to go forward; that redistricting requires a process of review and deliberation; that the consideration of a change appears to be an attack on the African American population and their community; that this change would be like politic genocide and would make their votes invisible; that this proposal will prevent people from working together; that this will divide the people, not unite them; and that she urges the Board of Commissioners to do what is in the best interest of Chatham County.

Carl Thompson, 67 Robert Thompson Road, Bear Creek, NC, stated that he wanted to go on record as being opposed to this option; that given the most recent population numbers, it is right to look at the districts; that changing the current system to elect by district will hinder African American election to the Board; that the African American population would feel betrayed; that his prior election to the Board was helped by Countywide voting; that this issue is of concern to leaders in the African American community; and that he believes the majority of the citizens believe that it is right and just that all members of our society deserve representation in local government.

Del Turner, 557 Clarence McKeithan Road, Gulf, NC, stated that she concurs with previous comments; that she is concerned that the plan will harm minority interests; that under the Voting Rights Act NC is a covered state; that Chatham County does not need to redistrict; that before 1965, there were a lot of discriminatory practices; that gap of previous years has been bridged by changes to allow for voting Countywide.

Karl Kachergis, 1417 Morris road, Pittsboro, NC, stated that he is not in favor of bringing this up at this time; that there is a need for some redistricting to adjust for population distribution; that Commissioners must campaign throughout the County; that they learn about the County; that election by district will imply competition; that it seems to have come up very suddenly; and that he urges that the Board table this matter and allow the new Board to tackle this matter.

Beverly Ann D'Aquanni, 856 Fearrington Post, Pittsboro, NC, stated that she thinks that the proposal will be detrimental and will only serve as a divisive factor; that she has been attending these meetings and she finds that she is disappointed by the actions of the Board; that our natural resources and way of life is being plundered and spoiled; that this will not be easily remediated.

John Bonitz, 144 Celebrity Dairy Way, Siler City, NC, stated that he is surprised that redistricting is being brought up for discussion; that it seems as though it was short notice; that it is contentious; that it concerns him greatly; that it is his understanding that the proposal was made by the Republican Party; that the language in the proposal was disturbing in that it asked for the immediate change of district boundaries; that redistricting is fundamental to democracy and the voting process; that he knows what it is like to be in the minority; that not long ago he voted for the extension of water lines in the Hickory Mountain precinct where he is vice chairman of the Democratic Party; that he is personally aware of persons with contaminated wells and having to pay exorbitant prices for bottled water; that it was a disappointment to him that the water lines were not extended; that this process could result in extreme

measures and should be embarked upon slowly and cautiously with ample opportunities for public input; that it should not happen before the fall election; that being concerned, he drafted language and presented it to the executive committee of the Democratic Party; that it was discussed and given some measure of favor by the Democratic Party that is in support of tabling this issue. He read the draft resolution presented to the Democratic Party. He stated that he is not opposed to the fact that there are changes that need to be made in the way Commissioners are elected; however, the present seems to be an inappropriate time to do so.

Joseph Weissman, 1359 Bradford Place, Fearrington Post, Pittsboro, NC, stated that there is no question that the district lines must be redrawn; that the method of electing new commissioners is up for discussion; that there is plenty of time for debate; that the question about whether it is right to vote by district; that the idea of increasing the Board number is a terrible number; that there would be two classes of commissioners; that the only approach is to put this before the people for a decision; that the voting power of the commissioners is not changed; that he recommends letting the people vote on this matter.

Gene T. Brooks, 66 Nooe Street, Pittsboro, NC, stated that he has been a resident in this County for many years; that he has been concerned for a number of years; that the County needs to do things differently about how it elects people; that government is not representative anymore; that there is a disconnect between everyday people and their government; that redistricting is needed that helps people have contact with their elected officials; and that gerrymandering can be used both ways.

John W. Blair, 6125 US Highway #64 East, Pittsboro, NC, stated that this is a tough subject on both sides; that keeping it fair could be the best thing for the County; that this is a controversial issue but it is something that needs to be done to keep up with growth; and that this can bring the County together. He thanked the Board for the timely submission of the issue stating that he admires each Commissioner and that he is for the proposal.

Mary Nettles, 80 Millikin Road, Pittsboro, NC, stated that she is speaking as a concerned African American in the County; that back in 1973 when Representative Holmes changed Chatham County from a commissioner nominated and elected by district, to a commissioner nominated by district but elected County-wide, he was thinking one person one vote; that Chatham County has grown so much within the last thirty years; that she believes in order to redraw the lines, have the commissioners to vote by district, two at-large, would be the best for the African Americans in the County; that a couple of years ago at the Democratic Convention, Gerald Totten introduced a resolution on this subject; and that she believes now is time to do something about it.

Kim Cotton, 1136 Sanford Road, Pittsboro, NC, stated that she does want her vote to count; that she is in favor of redrawing the districts; that she requests that the method consult the NC General Statutes; that if commissioners will represent districts, they should be elected by district; that a commissioner living in a district will know that district better than anyone else; that she opposes increasing the number of commissioners; that that additional cost would be added to the County; and that she is opposed to at-large counties.

Armentha Davis, 176 Lees Point, Moncure, NC, stated that she is in favor of redistricting because in the last election; she felt that the African American population was exploited; that she does not need to be told how to vote; and that in the Moncure area they need a commissioner that knows exactly what they need.

John Cross, (address unknown) stated that he supports the changes as proposed.

Mark Barroso, 110 Persimmon Hill, Pittsboro, NC, stated that this needs to be revisited; that there could be an advisory committee; and that he doesn't understand the urgency in the matter.

Gary Cox, 883 St. Luke Road, Goldston, NC, stated that the Goldston precinct is in favor of redistricting for representation in that area.

Karl Ernst, 711 Red Oak Drive, Siler City, NC, stated that he does support election by district; that he has long supported this idea; that this is the best way to provide fair and equitable representation to each voter and tax payer in the County; that in Siler City there are two districts; that he lives in District One; that he is the minority in his current district; that there is a lot of precedent to do this; that he is convinced that this is the best and most fair way to do this.

Martie Hipple, 170 TC Justice Road, Pittsboro, NC, stated that she has seventy-two (72) written statements from people in favor of this proposal; that she has been an advocate of voting in electoral districts for years; that minorities have true representation, primarily rural folks; that essentially Chatham County is two counties within one border; that due to the large population imbalance, people in the western part of the County have become discouraged; that the perception in the west is that Commissioners are not sensitive to their issue; that the cost of running for office would also be lessened if voting was done by district; and that no additional commissioners are needed. She reiterated that she is very much in favor of voting by districts where a candidate resides in the district and is voted on by those qualified voters of that district.

BREAK

The Chairman called for a short break.

Floy Oldham, 1276 Old Lystra Road, Chapel Hill, NC, stated that he is there to encourage the Board of Commissioners to give them the opportunity to vote; that things have changed significantly; and that Chatham County is not the homogeneous group it use to be.

Roy Hipple, 170 TC Justice Road, Pittsboro, NC, stated that he thought the African American community would be supportive of this; that it would be better for each person to have their own Commissioner to talk to; and that the time has come to change the way commissioners are elected.

Richard Bradley, PO Box 1172, Pittsboro, NC, stated that he believes that Commissioners should be elected by district; that the cost of running in districts only would be cut down; that more people could afford to run; and that he doesn't believe it disenfranchises anyone.

John Gray, 123 Cub Creek Extension, Chapel Hill, NC, stated that he was brought up to deal with people as human beings regardless of background; that people are making a decision like this that is racially biased; that he would prefer to have a Commissioner by and from a district; that it would give more people an opportunity to participate in the process; that he would like to have more choices; and that Commissioners should be responsible to the voters in their district.

Jesse Albright, 1423 Colridge Road, Siler City, NC, stated that one of the things that is important to him is freedom; that this would give them the opportunity to have someone in the district they live in to represent them; that independence is also important; and that voting by district will provide the best representation.

Jay Gatlin, 1797 Ed Clapp Road, Siler City, NC, stated that he is in support of electing Commissioners by district; and that the North West Water District may not have been voted down if there was a Commissioner in that district.

Ann Zimmerman, PO Box 213, Pittsboro, NC, stated that she is in support of voting for Commissioner by district and asked that the Board of Commissioners just give them a chance to vote on the matter.

Cecil Wilson, 489 Holland Chapel Road, Apex, NC, stated that this item was originally to talk about population imbalance, not racial issues; that it would be better to sign up to run in a district and be voted on in that district; and that the County's system is outdated.

Bill Haiges, 401 South Dogwood Avenue, Siler City, NC, stated that he is in favor of redistricting; and that citizens should have an opportunity to vote on it as a County.

Sally Kost, 1101 New Hope Church Road, Apex, NC, that there are sixty-three (63) counties that have at-large representation; that she does support increasing the Board of Commissioners to seven members; that the issues are stretching the five members as it is; and that she cautions against using the 2000 census.

Commissioner Emerson moved that a public hearing be scheduled for August 21, 2006 for the purpose of input on a proposal to redistrict the five districts based upon the statutory requirements with a referendum that representatives for the commissioner in each district be elected from that district; that the Chairman appoint a committee consisting of the chairman or vice chairman of the Democratic and Republican Parties, a member of each party appointed by the executive committee of that party, Mr. Thomas Wagner as the mediator, as an advisory committee to work with the County information management people to develop the proposed districts.

Commissioner Outz seconded the motion. The motion carried four (4) to one (1) with Commissioner Barnes opposing.

BOARDS AND COMMITTEES

Appearance Commission: Consideration of a request to appoint a member to the Appearance

This item was deferred until a later date.

Board of Health: Consideration of a request to appoint a member to the Board of Health

Commissioner Outz moved, seconded by Commissioner Emerson, to appoint Linda Ellington, 1924 West Third Street, Siler City, NC, to the Chatham County Board of Health. The motion carried three (3) to two (2) with Commissioners Barnes and Cross opposing.

MANAGER' S REPORTS

The County Manager reported on the following:

Redistricting Advisory Committee:

The County Manager asked if the redistricting public hearing was to be held on August 21, 2006, if the advisory committee was to be organized quickly.

The Chairman stated that the suggestion was to have the committee prior to the meeting and posted on the County's web site.

COMMISSIONERS' REPORTS

Manager's Contract:

Commissioner Cross stated that as a result of Closed Session to discuss personnel matters, the County Manager's employment contract was discussed; that it was compared with surrounding counties; and that the Board has come to an agreement on the contract.

Commissioner Cross moved, seconded by Commissioner Barnes, to approve the four-year employment contract for the County Manager. The motion carried five (5) to zero (0). The contract is attached hereto and by reference made a part hereof.

ADJOURNMENT

Commissioner Outz moved, seconded by Commissioner Emerson, to adjourn the regular meeting. The motion carried five (5) to zero (0), and the meeting was adjourned at 9:58 PM.

Bunkey Morgan, Chairman

ATTEST:

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

10700 Highway 15-501 N
Chapel Hill, NC 27517

BLAKE ASSOCIATES
Project Management and General Contractor

Phone: 919.968.8848
Fax: 866.889.0765
tblake@blakeassoc.net

To: Chatham County Planning Board
From: M. Travis Blake
Date: September 25, 2006
Subject: Polks Centre

Polks Centre Planning Board Addendum

Blake and Associates, Inc.

This document is intended to provide members of the Chatham County Planning Board and staff with the additional information and clarification requested regarding Polks Centre, using information from the submitted zoning packet and information previously submitted. This document addresses the wastewater capacity requirements, the concept of "need and desirability" that is referenced in Finding #2, and the request that "Recommendation #13" contained in *Attachment #14* be changed to 24 months instead of 12 months.

Attachment #14 made reference to wastewater disposal measures (within the realm of Finding #5) that needed to be reviewed by Chatham County Environmental Health personnel. Upon speaking with Ms. Holly Coleman, Chatham County Dept. of Environmental Health, it was determined that NCDWQ would handle all matters concerning issues with sewer instead of the aforementioned Dept. of Environmental Health. Wastewater treatment for the project will be provided through the use of the Williams Corner project wastewater treatment facility which will abide by all NCDWQ standards and regulations (please reference Section 8.5 of the Polks Centre Application Packet). As requested, an approved wastewater disposal site plan and permit from NCDWQ for Polks Centre shall be supplied to the County. Attached is NCDWQ's document concerning the design loads for intended uses in Polks Centre. The design load is less than 25,000 GPD, and the treatment capacity of the site is in excess of 55,000 GPD (reference Section 8.5.4.2.2 of the Polks Centre Zoning submission). *If there are any further concerns by the County Planning Department Staff or members of the Planning Board we suggest an additional recommendation be added that the project must have a permit from NCDWQ for a minimum of its design load requirement.*

At the Planning Board Meeting held on September 5, 2006, the Planning Department recommended approval of the rezoning request for the Polks Centre project, but recommended against the CUP because the

case for "Need" was not clear considering current and approved commercial developments.

The following is a text excerpt from the letter provided by Mr. M. Travis Blake to the Planning Board on September 5, 2006, addressing concerns over the concept of Finding #2 and "need and desirability":

In response to the Chatham County Planning Department's analysis for finding #2, "Need and Desirability," we are providing the following information:

- *Attached is documentation previously submitted, showing that a majority of the space is either committed with "Letters of Interest" or requests from commercial agents to place clients in the development.*
- *A review of current usages and approved commercial space reveal that the uses for Polks Centre are unique for the majority of the space. 50,000 square feet of the 125,000 square feet planned are to a single client for "flex space" and 28,000 is reserved for the office supply store. Restaurants and other businesses with high wastewater requirements are possible in this location since Polks Centre has access to adequate sewer. Lack of adequate sewer has prevented other existing and permitted developments from hosting these types of businesses.*
- *New restaurants and an office supply business are not specifically planned by current developments. Both have been determined to be needed through demographic and market studies by the attached interested clients.*
- *The "convince factor" for destination shopping is considered to be about 5 miles. One of the major client populations for this project lies across the Orange/Chatham County line into Chapel Hill and Carrboro.*
- *Finding #2, "Need and Desirability" must be heavily weighted towards market conditions and it is ultimately the responsibility of the developer to provide for current and future markets. The zoning packet submitted uses a number of nonspecific categories of the Chatham County Zoning Ordinance to allow for flexibility in placing businesses that may be needed in the market area, but unknown at the time of zoning.*
- *According to current research by Dr. Emil Malizia, Chairman of the UNC Department of City and Regional Planning, Chatham County's per capita retail tax income has been consistently lower than surrounding counties and retail growth modest, showing a need for a retail tax base. This same data reveals the need for business and services that are currently being provided by adjoining counties.*

- *In addition, Dr. Malizia's information contributes to the vitality of the Polks Centre development. Dr. Malizia has been consulted concerning our proposal and to augment the report provided by Miley, Gallo and Associates' economic impact analysis for our zoning submission (Section 8.2.4 of the zoning submission) and support the developer's decision to build the project.*
- *Polks Centre and Williams Corner are both planned to address the indicated tax trend and need for a diversified business base. In addition, the developments are being planned using modern planning designs, environmentally aggressive initiatives and a thoughtful client mix, making the best case for "Desirability".*

In reference to Attachment #14, this project is 10.5-11 miles north of Pittsboro and approximately 1.5 miles south of the Chatham/Orange County line. This shows that the market and demographic draw for this project will be in the extreme northern part of the county, as well as from the towns of Chapel Hill and Carrboro. The attachment makes frequent reference to other projects along US 15-501; however, this project does not encompass the same markets of those referenced would, namely Fearington Village Commercial Center and Briar Chapel. These two developments are interior service centers; Polks Centre is a large market development. In addition, Polks Centre does not plan to have direct competition businesses due to the unique and eclectic mix of businesses (please reference attachments).

Polks Centre is unique in what businesses it will offer in comparison to the other projects which it has been compared to. No other project has planned to make use of its space to include an office supply business, available flex space, and large market restaurants. In order to truly assess the need for such a project, it is necessary to forecast growth in retail expenditures based on population and income forecasts for the County. *The inference concerning oversupply cannot be confirmed without looking at current and future demand and performing a detailed analysis of the retail market in northern Chatham County. It is the difference between forecasted demand and forecasted supply that determines whether the market is over- or under-supplied. Services and businesses do not make decisions to locate in an area without a firm understanding of the current and future market. In addition, the current request for the CUP is such that if a market is not available for a type or*

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specific business than another will be located in the development to ensure a healthy market.

It is paramount that the staff and Board understand that placing businesses is market driven, and that businesses choosing locations are best at making this determination.

Based on the magnitude of this project, it is a request of the developer that the first building permit be issued within 24 months from the date of the permit's approval. Permits from Chatham County, NCDQW, and NCDOT will undoubtedly take longer to obtain than the recommendation of the County to issue a building permit within one year.

To: Angela Birchett
Chatham County Planning Department
Re: Polks Centre
Finding #2

31 August 2006

Angie,

In reference to the concerns over duplicate services and to augment support for finding #2; I have attached the letter of interest from Real Properties of Cary concerning their 50,000 square feet, an email from Morris Commercial, letter from Ed McLaurin regarding a breakfast type restaurant and bank. A letter of interest is pending on the 28,000 square feet needed for an office supply location. National entities are reluctant to have their name used during this stage of negotiations; however, this use is planned.

An examination of the currently approved projects and a careful reading of our proposals, indicates that our uses are substantially unique or desired competition (such as banking and food services). Also keep in mind that Polks Centre is able to have more food service type facilities because of its access to adequate sewer services. This fact will also allow us to attract business that may require unusually high wastewater service, which will result in different business than those currently approved.

Current Letters of Interest reflect the following commitments.

- 50,000 square feet of service space
- 28,000 square feet of office supply space
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Sincerely,

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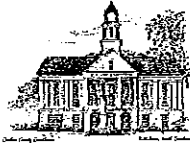
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Sincerely,

M. Travis Blake
Blake & Associates, Inc.



**CHATHAM COUNTY
BOARD OF COMMISSIONERS
AGENDA ABSTRACT**

ITEM NUMBER:
MEETING DATE:
10-16-06

PART A

Subject: Request by Blake & Associates, Inc. on behalf of HBP Properties, LLC for a B-1 Conditional Use District on 40 acres, located at the intersection of U.S. Hwy 15-501 N. and SR-1530, Polks Landing Road, Baldwin Township.

Action Requested: See Recommendations.

Attachments: *The following was distributed prior to the July 17, 2006 Public Hearing:*

1. The application packet.

The following can be viewed on the Planning Department web page:

2. Arcview map

Submitted By:

_____ Date _____
Keith Megginson, Planning Director

County Manager Review:

Charlie Horne, County Manager

Date

This abstract requires review by:

- County Attorney** _____
Date Reviewed
- Finance Officer** _____
Date Reviewed
- Budget Officer** _____
Date Reviewed

PART B

Introduction / Background / Previous Board Actions: A public hearing was held on this request on July 17, 2006. The Planning Board received the Planning Department recommendation on September 5. The Planning Board recommendation to approve the request was not forwarded to the Board of Commissioners September 18, 2006 meeting pending a recommendation from the Planning Board on the conditional use permit. The Planning Board made a recommendation on the conditional use permit October 3.

The Planning staff and Planning Board are required to make recommendations on the requested change of the zoning district from RA-40 to Conditional Use B-1 Business District. Such a recommendation is partially based on adopted land use plans and policies. The applicant has addressed this issue in their application on Page 126, Section 8.4 Finding #4.

The Chatham County Land Conservation and Development Plan is a general policy plan. A specific plan map was not adopted but a draft map was prepared. The subjective nature of a general policy plan may be seen by review of the chart of uses on page 6 of the Plan. Non-residential development is addressed under the heading of Economic Centers beginning on page 28 of the Plan. Under the heading of Overview, the text explains the six types of economic development as follows:

1. Agriculture and home based businesses in rural areas
2. Commercial and industrial development within the county's towns
3. Neighborhood activity centers in compact community corridors
4. Cross-road commercial centers in designated rural locations
5. Economic development centers in carefully designated and planned locations
6. Continued development within other areas currently zoned commercial or industrial

The text reads as follows: "To focus economic development in these six settings, the County will discourage industrial and commercial development in other places, especially as strip development along the major highways, in environmentally sensitive areas, and in agricultural areas. Continuation of current activities will be supported in existing industrial and commercial areas." You are encouraged to read the entire Land Conservation and Development Plan of 69 pages which is on the Planning page of the County web site at www.co.chatham.nc.us.

A public hearing was held on this issue on July 18, 2006. One group, The Polk's Landing Homeowner's Association spoke against the rezoning request and two people requested postponement of the request for further study of the area and to evaluate the need for another commercial center in the area.

Issues for Further Discussion and Analysis: The Land Conservation and Development Plan, hereinafter referred to as "the Plan", outlines many plan objectives towards approving areas that reflect balanced growth while maintaining the form and function of rural character. The Plan refers to a "Plan Map", not yet adopted.

This proposal joins existing residential properties and is located across US 15-501 from the approved yet undeveloped Williams Corner commercial center and newly developed Chatham Downs commercial center, and .465 tenths of a mile south (measured from Arcview software) of Chatham Crossing Shopping Center and Cole Park Plaza. Page 6 of the Plan outlines the areas

Re: Blake & Associates, Inc. – district request

Issues for Further Discussion and Analysis

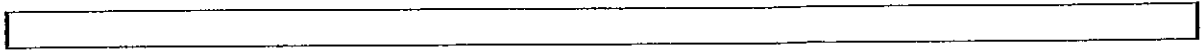
of Compact Community Corridors, Economic Development Centers, and Towns as suitable locations for shopping centers. The “draft” Plan map shows US 15-501 as a Compact Community Corridor. The area described in the adopted Compact Communities Ordinance for compact communities is a smaller area and includes the proposed site. The development is suitable for future transit services along US 15-501, and sights commercial uses along major highways in clusters as stated on Page 13 of the Plan.

This proposal is supportive of an Economic Development Center for an increase in job opportunities and the tax base. It could decrease one major trend which is the economic well being going outside our county borders per Page 28 of the Plan. The discussion of Economic Development Centers in general begins on page 33 of the Plan.

This proposal supports the use of reused, reclaimed water for efficiency in its water usage as described on Pages 39 and 46 of the Plan.

The Chatham County Land Conservation and Development Plan addresses overall goals and recommendations which provides for subjective judgment but it also contains specific objective guidance on various issues including the location of commercial and industrial land uses. After reviewing the entire Plan and the referenced sections, it is the Planning Department staff opinion that the proposal change from RA-40 to Conditional Use B-1 Business District is supported by the majority of the Land Use Plan as written.

Recommendation: The Planning Department and Planning Board recommend approval of the rezoning request.





**CHATHAM COUNTY
BOARD OF COMMISSIONERS
AGENDA ABSTRACT**

ITEM NUMBER:
MEETING DATE:
10-16-06

PART A

Subject:

Request by Blake & Associates, Inc. on behalf of HBP Properties, LLC for a Conditional Use Permit for Retail / Office Buildings / Restaurants / Bank / Insurance / Financial Services / Specialty Retail / Furniture / Pet Shop / Art House Theatre / Gallery / Pharmacy / Drug Store / Engineering / Service Offices / Distribution Centers (see application for specific uses), on 40 acres, located at the intersection of U. S. Hwy 15-501 N. and SR-1530, Polk's Landing Road, Baldwin Township.

Action Requested:

See Recommendations.

Attachments:

The following was distributed prior to the July 17, 2006 Public Hearing:

1. The application packet

The following can be viewed on the Planning page of the county web site:

2. Arcview Map
3. Appearance Commission report

The following are attached to this request:

4. Addendum dated September 25, 2006 from Blake & Associates regarding wastewater and Finding #2.
5. Permit dated July 25, 2006 from NCDWQ
6. Contract agreement between North Chatham Green Initiative, LLC and HBP Properties

Submitted By:

Keith Megginson, Planning Director

Date

County Manager Review:

Charlie Horne, County Manager

Date

This abstract requires review by:

County Attorney

Date Reviewed

Finance Officer

Date Reviewed

Budget Officer

Date Reviewed

PART B

Re: Blake & Associates, Inc. – permit request

Introduction / Background / Previous Board Actions: A quasi-judicial public hearing was held on this project on July 18, 2006 and the minutes can be viewed on the county website at www.co.chatham.nc.us under County Commissioners. The request was postponed by the Planning Board from the September Planning Board meeting until the October meeting. Two main issues addressed during the September meeting were finding number two of need and desirability and finding five as it relates to adequacy of the waste water system plans. The applicant has provided supplemental information listed as items 4, 5, and 6 above addressing these two issues. The Planning Board recommended approval of the conditional use permit at their October 3, 2006 meeting with a vote of five (5) for approval and four (4) opposed. The conditional use permit cannot be approved unless the zoning district change is approved.

Issues for Further Discussion and Analysis: Before a conditional use permit may be approved the Board of Commissioners is required to make five findings listed in the Chatham County Zoning Ordinance and shown below:

1. The use requested is among those listed as an eligible use in the district in which the subject property is located or is to be located.
2. The requested conditional use permit is either essential or desirable for the public convenience or welfare.
3. The requested permit will not impair the integrity or character of the surrounding or adjoining districts, and will not be detrimental to the health, safety or welfare of the community.
4. The requested permit will be consistent with the objectives of the Land Development Plan.
5. Adequate utilities, access roads, drainage, sanitation, and/or other necessary facilities have been or are being provided.

The five (5) findings have been addressed in the application booklet. It is the staff opinion that Finding #1 could be made if the zoning district is changed to conditional use business district. It is the staff opinion that Finding #2 may not be made from the standpoint of need and desirability. Finding #3 could be made. Finding #4 is addressed in the rezoning district request notes and it is the staff opinion that it is consistent with the specific recommendations of the Plan. Finding #5 may be supported from the standpoint of wastewater disposal measures.

The applicant addresses Finding #2 from the standpoint of the need of "competition for a healthy retail and services environment". The applicant addresses on Page 21 of the application the lack of choices in shopping and services encourages citizens to go outside of Chatham County for their shopping needs. The application lists several other shopping areas along US 15-501 N within the 12 mile stretch of highway from the court house circle in Pittsboro to the Chatham/Orange County line. This proposal is approximately 10 ½ to 11 miles north of Pittsboro and approximately 1 ½ miles south of the Chatham/Orange County line. The shopping choices in this area include North Chatham Business Park, Chatham Crossing Shopping Center, Cole Park Plaza Shopping Center, Cole Place, Cedar Square Shopping Center, Chatham Downs Commercial Center, Fearrington Village Commercial Center, and the approved but not yet built non-residential uses of Briar Chapel. It does not include commercial projects within the Town of Pittsboro's jurisdiction that fall within the 11 mile range from the proposed project. Square footages of these approved non-residential uses currently operational, under development, or to

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Issues for Further Discussion and Analysis – con't

be developed are Chatham Downs with 117,000, Briar Chapel with 512,000, Williams Corner with 348,500, and various projects within the Town of Pittsboro with 743,100 (square footages are taken from a development spreadsheet that was drafted for a joint meeting between the Town of Pittsboro and Chatham County elected boards on February 22, 2006), approved but not yet begun the Town of Pittsboro with 232,000, Cole Park Plaza with 112,000, Chatham Crossing with 97,342, Cole Place with 19,800, and North Chatham Park with 135,000. These square footages total approximately 2.3 million and there are multiple varying uses available as shown in the application on Pages 22 through 24. Briar Chapel was approved under the provisions of the Compact Communities Ordinance. Section 6.5 of said Ordinance states there shall not be less than 100,000 square feet of commercial development. It also specifies a time table for construction of the commercial based on percentages of lots on approved final subdivision plats. At least 25% of the commercial area shall be developed before 75% of the lots on subdivision plats receive final approval and 50% of the commercial area shall be developed before 90% of the lots on subdivision plats are approved. It is a staff concern that approval of additional commercial area along US 15-501 will significantly undermine the market of approved and required commercial development. Various members of the Planning Board stated that the Briar Chapel commercial development was still several years away and the Polks Center development would meet an existing market. The Board may want to consider the list of the various commercial uses the applicant has requested and determine if all are to be allowed, if the request is approved, for uses that are not currently available in this area or were previously listed in the Williams Corner and Briar Chapel approvals.

The applicant addresses Finding #5 from the standpoint of providing wastewater treatment through the use of the Williams Corner wastewater treatment facility. The application refers to an extensive and detailed analysis conducted by S & EC that would allow the connection between the two. However, a letter from S & EC states a "limited" soil/site evaluation was conducted. The report states the soil descriptions are not the descriptions of this proposal's specific site and S & EC cannot establish an accurate loading rate at this time. A letter dated June 16, 2006 from S & EC and a letter from Eric Lappala with Eagle Resources address application rates. The letter states that the site will accommodate 37,840 gallons per day. The applicant has stated that the amount generated will be 23,000 gallons per day. Attachments 4, 5, and 6 provide supplemental information addressing the adequacy of utilities. It is the staff opinion that this information is sufficient to support the required finding.

Recommendation: If the request is considered favorably the following conditions are recommended:

1. A lighting plan shall be supplied to and approved by the Planning Department prior to approval of the first building permit being issued. All lighting shall meet the requirements of the draft Chatham County Lighting Ordinance.
2. Signage shall be as specified on the site plan. Signage shall meet the requirements of the zoning ordinance for a Business (B-1) zoning district where no one sign shall exceed 150 square feet in size.
3. The recommendations from the Appearance Commission for landscaping shall be followed and a new landscape plan submitted and approved by the Planning Department prior to installation of the first plantings. Plantings shall start at the next optimal planting season from the date of permit approval.
4. A new site plan depicting the right-in/right-out only at the south drive shall be provided prior to issuance of the first building permit.

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RECOMMENDATION: - Conditions con't

5. The proposed new road connecting US 15-501 with Polks Landing Road shall be a public road built to NCDOT standards and dedicated to the NCDOT.
6. Setbacks from Cub Creek shall be 100 feet on each side for buffers and the Stormwater management pond. A new Stormwater management plan shall be submitted to the Planning Department prior to issuance of the first building permit. The stormwater design shall be at a minimum to the requirements specified in Section 8.5.4 Storm Water Runoff of the application.
7. Parking requirements for the request shall be as outlined in the Zoning Ordinance, Section 12 and the Chatham County Design Guidelines.
8. An approved wastewater disposal site plan and permit from NCDWQ and any other departments as deemed necessary with respect to the wastewater disposal shall be supplied prior to issuance of the first building permit.
9. All required perimeter landscaping and buffering shall be installed prior to the issuance of certificate of occupancy for the first structure or at the first optimal planting season following the issuance of the certificate of occupancy.
10. Dumpsters shall be screened to meet Chatham County guidelines.
11. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Erosion Control etc.) shall be obtained and copies submitted to the Planning Department prior to issuance of the first building permit.
12. Off-site improvements required by NCDOT or any other agency shall be constructed at no cost to Chatham County.
13. The first building permit shall be issued within 24 months from the date of this permit's approval or the expiration of the appeal period or any court decision, whichever is later or this permit will automatically expire and become void.

**MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
OCTOBER 16, 2006**

The Board of Commissioners ("the Board") of the County of Chatham, North Carolina, met in the District Courtroom, 12 East Street, located in Pittsboro, North Carolina, at 6:00 PM on October 16, 2006.

Present: Chairman Bunkey Morgan; Vice Chair, Tommy Emerson; Commissioners Patrick Barnes, Mike Cross, and Carl Outz; County Manager, Charlie Horne; County Attorney, Robert L. Gunn; Assistant County Manager, Renee Paschal; Finance Officer, Vicki McConnell; and Clerk to the Board, Sandra B. Sublett

PLEDGE OF ALLEGIANCE AND INVOCATION

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

The meeting was called to order by the Chairman at 6:07 PM.

AGENDA AND CONSENT AGENDA

The Chairman informed citizens of the following:

- ◆ Consent Agenda Item #18, Consideration of a request by Mac Development Company for subdivision final approval of "**Cedar Grove, Phase 4A (Lots 19 – 23)**", consisting of 6 lots on 21 acres, located off Jones Ferry Road, SR #1540, Baldwin Township, was inadvertently listed as six lots on the Agenda by the Planning Department and that it should have been listed as five lots.
- ◆ Minutes of the Chatham County Zoning Board of Adjustment were approved in the afternoon Work Session.
- ◆ Minutes of the Southeast Chatham Water District Board were approved in the afternoon Work Session.
- ◆ Commissioner Barnes asked that his appointment to the Agriculture Advisory Committee be deferred until a later date.
- ◆ Commissioner Emerson asked that his appointment to the Solid Waste Advisory Board be deferred until a later date.
- ◆ The request to approve the agreement with the Pittsboro Swimming Association for use of property during construction of the Social Services Building was granted during the afternoon Work Session.

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

The Chairman asked that Item #19, Consideration of a request by Kevin Hamak, RLA, The John

R. McAdams Company, Inc. on behalf of NNP Briar Chapel LLC for subdivision preliminary approval of “**Briar Chapel, Phase IV, Pods A, B. C. and D (Including Phase 3 ROW)**”, consisting of 323 lots on 152 acres, located off US Highway #15-501, Baldwin Township, be removed from the Consent Agenda and placed on the regular Agenda for discussion.

Hearing no other requests, Commissioner Emerson moved, seconded by Commissioner Barnes, to approve the Agenda and Consent Agenda with the noted request as follows:

1. **Minutes:** Consideration of a request for approval of Board Minutes for regular meeting held October 02, 2006 and work session held October 02, 2006

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

2. **Road Names:** Consideration of a request from citizens for the naming of private roads in Chatham County as follows:

- A. Beech Forest Way
- B. Forest Glen Drive
- C. Wilsons Farms Drive

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

3. **Chatham County’s Work First Plan:** Consideration of a request to approve Chatham County’s Work First Plan for 2007-2009, attached hereto and by reference made a part hereof.

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

4. **Funds Acceptance for Health Department:** Consideration of a request to accept funds in the amount of \$2,000.00 for the Chatham County Diabetes Intervention Team

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

5. **Funds Acceptance for Health Department:** Consideration of a request to accept funds in the amount of \$5,658.00 in Family Planning funds awarded to the Health Department from the NC Division of Public Health

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

6. **Funds Acceptance for Health Department:** Consideration of a request to accept funds in the amount of \$622.00 for the Child Fatality Prevention Team

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

7. **Funds Acceptance for the Health Department:** Consideration of a request to accept funds in the amount of \$13,760.00 from AccessCare/Central Carolina Health Network

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

8. **Funds Acceptance for the Health Department:** Consideration of a request to accept funds in the amount of \$500.00 awarded to the Health Department’s Environmental Health Division from the NC Division of Environmental Health

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

9. **Funds Acceptance for the Health Department:** Consideration of a request to accept funds in the amount of \$1,260.00 for Maternal Care Coordination Program for Women Ineligible for Medicaid

The motion carried five (5) to zero (0).
10. **Funds Acceptance for the Health Department:** Consideration of a request to accept funds in the amount of \$10,000.00 awarded to the Health Department from the Physical Activity & Nutrition Branch

The motion carried five (5) to zero (0).
11. **Funds Acceptance for the Health Department:** Consideration of a request to accept funds in the amount of \$11,730.00 to increase the budget for Family Planning Services awarded to the Health Department from the NC Division of Public Health

The motion carried five (5) to zero (0).
12. **Funds Acceptance for the Health Department:** Consideration of a request to accept funds in the amount of \$1,200.00 awarded to the Health Department's Environmental Health Division from the NC Division of Environmental Health

The motion carried five (5) to zero (0).
13. **Funds Acceptance for the Health Department:** Consideration of a request to accept funds in the amount of \$17,500.00 from the Division of Public Health to the Health Department

The motion carried five (5) to zero (0).
14. **Ag Advisory Committee Reappointment:** Consideration of a request to reappoint Mr. Gary Moon, 3665 Moon Lindley Road, Snow Camp, NC, to the Ag Advisory Committee

The motion carried five (5) to zero (0).
15. **Child Fatality Prevention Team Reappointment:** Consideration of a request to reappoint Mr. Clyde Miller, 1680 Center Grove Church Road, Moncure, NC, to the Child Fatality Prevention Team by Chairman Morgan

The motion carried five (5) to zero (0).
16. **Dangerous Dog Appeals Panel:** Consideration of a request to appoint Michael Randall to the Dangerous Dog Appeals Panel

The motion carried five (5) to zero (0).
17. **Animal Cruelty Investigator:** Consideration of a request to appoint Dr. Laureen Bartfield, licensed veterinarian, as an Animal Cruelty Investigator

The motion carried five (5) to zero (0).
18. **Final Subdivision Approval of "Cedar Grove, Phase 4A":** Consideration of a request by Mac Development Company for subdivision final approval of "Cedar Grove, Phase 4A (Lots 19 – 23)", consisting of 5 lots on 21 acres, located off Jones Ferry Road, SR

#1540, Baldwin Township

As per the Planning Department and Planning Board recommendation, acceptance of the financial guarantee and final plat approval of "Cedar Grove, Phase IV-A" was granted.

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

- ~~19. **Preliminary Approval of "Briar Chapel, Phase IV, Pods A, B, C, and D":** Consideration of a request by Kevin Hamak, RLA, The John R. McAdams Company, Inc. on behalf of NNP Briar Chapel LLC for subdivision preliminary approval of "Briar Chapel, Phase IV, Pods A, B, C, and D (Including Phase 3 ROW)", consisting of 323 lots on 152 acres, located off US Highway #15 501, Baldwin Township~~

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

20. **Subdivision Sketch Design Approval of "McDowell Place Subdivision":** Consideration of a request by Sears Design Group, P. A. on behalf of Fitch Creations, Inc. for subdivision sketch design approval of "McDowell Place Subdivision", consisting of 15 lots on 17 acres, located off Weathersfield, SR #1812 and Williams Township

As per the Planning Department and Planning Board recommendation, sketch design approval of "McDowell Place" was granted as submitted.

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

21. **Electronic Document Management System (EDMS):** Consideration of a request to approve the project ordinance for Electronic Document Management System (EDMS), attached hereto and by reference made a part hereof.

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

- ~~22. **Agreement to Use Pittsboro Swimming Association Property:** Consideration of a request to approve the agreement with the Pittsboro Swimming Association for use of property during construction of the Social Services Building~~

~~This item was approved during the afternoon Work Session.~~

23. **Agreement with NC DENR for Forestry Services:** Consideration of a request to approve agreement with NC DENR for forestry services, attached hereto and by reference made a part hereof.

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

24. **Gang Prevention/Intervention Grant Application:** Consideration of a request to approve an application for a Gang Prevention/Intervention Grant funded through the Governor's Crime Commission, application attached hereto and by reference made a part hereof.

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

25. **Fireman's Relief Fund Trustee:** Consideration of a request to appoint Mr. Darrell C. Williams, PO Box 75, Bonlee, NC, as a Fireman's Relief Fund Trustee by the Board of Commissioners

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

END OF CONSENT AGENDA

ZONING BOARD OF ADJUSTMENT

See minutes of the Zoning Board of Adjustment for action taken.

SOUTHEAST CHATHAM WATER DISTRICT BOARD

See minutes of the Southeast Chatham Water District Board for action taken.

PUBLIC INPUT SESSION

Larry Ballas, 139 Indian Creek Lane, Apex, NC, stated that he wanted to speak on voting by districts. He stated that it is a tough issue to decide upon; that he wanted to stress that people must weigh both sides of the issue before voting; and that it is important for continuity on the Board to have someone that can speak on issues relevant to the whole County.

The Chairman closed the Public Input Session.

BOARD OF COMMISSIONERS' MATTERS

Public Hearing:

Public Hearing on International Specialty Products (ISP): Public hearing to receive public comments on the County's proposed appropriation and expenditure of funds for an economic development project regarding International Specialty Products (ISP)

Jennifer Nelson, Administrative Support for Economic Development, explained that she had taken on the task of presenting information to the Board of Commissioners in the absence of recently retired board president, Tony Tucker. She stated that County staff, County Attorney, Commissioners, and the Economic Development Corporation Board (EDC) spent many hours several years ago gathering information, studying and then drafting the County's incentive package which was adopted on January 20, 2004; that after reviewing the incentives offered by surrounding counties and competitors in the economic region, the EDC supported and continues to support the incentive package in place in Chatham County; that in being presented with the opportunity to utilize the incentives package to entice strong, expanding manufacturers and employers to Chatham County, the county must be ever mindful of three important things: 1) Incentives are not paid by the taxpayers of the County; that not one taxpayer dollar is used to facilitate and pay incentives; that Chatham County's incentive package and the proposed incentive agreement at issue concerning ISP Minerals is quite literally a grant-back of the company's own tax dollars and is never paid unless the taxes owed are collected. 2) The amount of the grant is continuously contingent on the company achieving its commitment to add investment and grow jobs in Chatham County; that if the commitment made is not achieved, the incentive grant of collected tax dollars will be less than what is projected in the Grant Agreement presented and adopted as a part of the Chatham County Incentive Plan. 3) Incentives are not forever; that the participant company, according to the Chatham County Incentive Plan, receives grant money from its collected tax dollars for a period of time; that in the case presented, ISP Minerals, if the grant agreement is approved, would receive incentives for a period of five years. She stated that compared to other counties in the region, Chatham's incentive program is very conservative; that incentives are a crucial tool in the County's belt used to bolster the appeal to companies looking to make an investment in the County; that the ability to grant the incentive package can make or break the County's ability to secure good industrial and commercial investments and

grow jobs in the County; that ISP Minerals has submitted the request to be considered for an incentive grant on the basis that it can and may locate elsewhere if incentives are not extended; that in a highly competitive economic development region, Chatham County simply must grant the incentives when good, strong companies like ISP Minerals consider locating here; that ISP Minerals commitment to grow jobs and diversity the tax base must be considered in light of the incentive policy already adopted; that ISP Minerals formally requested consideration and meets the guidelines for approval; and that the EDC board voted to recommend granting the incentives and now bring the applicant and the recommendation for the Board of Commissioners' recommendation.

Dennis Wicker, attorney, stated that ISP Minerals is urging approval of the incentives proposed; that ISP is a quality company; that it operates good facilities and is a good neighbor across the country; that these incentives would help lure this company; that they would be influential in their decision; that the Siler City Board members would like this company to locate here; that this company would bring 125-150 jobs to the area with an average of \$42,000 per job; that the Town of Siler City unanimously voted in favor of recommending incentives, as did the Economic Development Corporation; and that the incentives would only last five years.

Sam Adams read a resolution in support of the ISP Minerals incentive package adopted by the Siler City Town Board. A copy of the resolution is attached hereto and by reference made a part hereof.

Don Tarkenton, 341 Pine Lake Drive, Siler City, NC, stated that he is chairman of the Job Search Committee in Siler City; that if ISP Minerals located in Chatham County they would be the second largest taxpayer in the County; that ISP is likely not to come to Siler City without the incentives; that the jobs would pay 60% above the median income that currently exists; that the job outflow from Siler City is over 13,000 per day; that the Basic Group and other companies in Siler City will be able to bid and perform work during construction; that the elected officials in Siler City feel that it is in the best overall interest of the citizens of Siler City.

Larry Ballas, 139 Indian Creek Lane, Apex, NC, stated that this is a Chatham County issue, not just a Siler City issue; that ISP Minerals must locate where the product is; that he would like to see conditions on the incentives; that 90% of the jobs should be offered to Chatham County residents; that at least 75% of the top level management jobs should go to Chatham County residents; that ISP Minerals should pay for medical resolution for people with problems with dust; and that they should repair the roads if they are damaged by truck traffic.

Sally Kost, 1101 New Hope Church Road, Apex, NC, stated that she is vice-chair of the Chatham Coalition; that the ISP Minerals incentive is a perfect example of an issue that impacts all of the people in Chatham County; that a majority of the Board has a history of fiscal irresponsibility; that this is a poorly placed open pit, poorly placed mine; that the Board of Commissioners may provide an economic incentive; and that she urges the Board to vote no to ISP incentives.

Tom Vanderbeck, 8180 Old Graham Road, Pittsboro, NC, stated that he is speaking out against any tax incentives for ISP Minerals; that ISP has already announced its intention to build a mining facility in Chatham County and has already been lured here by the vein of the best green stone in the area; that they have already obtained the rezoning from Siler City and already applied for the necessary permits from the State; that Siler City has already held a hearing from a community block grant to run water and a wastewater reuse line; that they are not simply considering Chatham County, then why offer them an incentive to come; that the Board has already admitted that they are coming in the credit presentation to Moody's; that providing ISP Minerals with a rebate on their taxes in the amount of \$525,000 per year for five years does not help the citizens or the County at all; that ISP said that they would supply Chatham County with a one million dollar tax revenue per year; that the 2.6 million dollar rebate could be better used to fund schools, help affordable housing, or upgrade water facilities, maybe even make a good down payment for a needed wastewater treatment plant; that the vein of green stone is incentive enough; that the timing is highly questionable; that the Board should be asking ISP Minerals to set aside monies to repair the damage they plan to do, to establish a health fund or other benefit to the citizens in the area where they

plan to locate; that it is obvious to all that ISP is intent on Chatham County and do not need any additional incentive to come here; and that the County cannot afford to throw away this money.

Loyse Hurley, 16 Matchwood, Pittsboro, NC, stated that the incentive policy clearly outlines what needs to be done to qualify for an incentive; that the Chatham County resolution passed on January 20, 2004 clearly lists the types of businesses that qualify for an economic incentive; that the enabling resolution cites "manufacturing or processing" as a business qualifying for an incentive; that it lists eight other specific businesses, but none of them are for quarrying or mining; that when the enabling resolution was written, no one wanted to offer an incentive for a mine/quarry to locate in Chatham County; and that by passing the incentive as proposed, it appears that it may put the County in legal jeopardy.

Rita Spina, 12 Matchwood, Pittsboro, NC, stated that there is no evidence that ISP Minerals has filed development plans elsewhere; that even the County staff seem to think that ISP Minerals will locate in Chatham County without incentives; that it was cited in the recent presentation to the credit rating agencies; that the proposed incentive is nearly one cent on the annual tax rate for a period of five years; and that there is a lack of public information on this proposal.

Virginia Ryan, 1740 Elmer Moore Road, Bonlee, NC, stated that she has been a friend of Mt. Vernon Springs for twenty years; that she has been sampling the water for years as a public health professional in Chatham County; that she is begging the Board to vote with their conscience; that this proposal is a wolf in sheep's clothing; that citizens would be adversely affected in a number of areas, including noise, lights, dust, air quality and blasting; that this proposal is not compatible with the surrounding area. She further stated that there is no county or municipal water to the proposed site; that wells in that area average 260 feet deep; that this proposal will make a few people more wealthy and leave the citizens with bad air and water; and that the same day that an article regarding the grant funds came out in the local newspaper, there was also an article placing water restrictions on Siler City water customers.

Pam Smith, 530 Sanford Road, Pittsboro, NC, stated that she is concerned that she has not seen an EPA study on this company; that in light of what happened in Apex recently, the County needs to be careful; that there are enough old quarries in this County; that the County needs industry that does not pollute; that Mt. Vernon Springs is the purest source of water that this County has; and that she and the public would like to see an environmental survey done before approval of incentives.

Jan Nichols, 148 Fairview Road, Moncure, NC, stated that she recommends a book entitled "The Great American Job Scam"; that these scams rely on confusing rhetoric and lack of citizen education; that ISP Minerals has refused to name the other sites under consideration; and that she urges the Board to be fiscally responsible.

Richard Hayes, 612 Oak Island, Chapel Hill, NC, stated that County schools are growing and children are going to schools in trailers; that there are some very large unmet needs in this County; and that this company is worth millions of dollars and does not need the incentive money to locate here.

Dee Reid, 590 Old Pittsboro-Goldston Road, Pittsboro, NC, stated that although she does not live in this area, it is offensive to her when funds may be misappropriated; that the winery that is located next to the ISP site pays its full tax bill; and that she strongly urges the Board to deny this request.

Rebecca Yount, 1340 Mt. Vernon Springs Road, Siler City, NC, stated that incentives should not be given to ISP Minerals; that it is easy to twist words and numbers for an advantage; and that although the form of the incentive may be a rebate, but it would be millions of dollars that would not go into the County's general fund.

Malcolm McCracken, 1390 Mt. Vernon Springs Road, Siler City, NC, stated that at the previous meeting held by the Siler City Town Board, it was obvious the amount opposition to this project; that when the town board voted in favor of the incentives, not one person spoke in favor of it; and that if the Board votes in favor of this, it will change the lifestyle of a number of people that live in the area.

Susan McCracken, 710 Trag Circle, Boone, NC, stated that she has some questions that she would like to have answered; that she would like a copy of the certification; that she would like to ask what philanthropic initiatives ISP Minerals will make; that the County's economic incentive is very competitive compared to like-sized jurisdictions; that she would like to know how good a neighbor ISP Minerals will be; that the owner of ISP Minerals has fought paying for benefits for health related affects in other areas of the country; and that she asked that the Board to vote against the incentives.

George Lucier, 9 Redbud, Pittsboro, NC, stated that Quintiles was lured to Durham and will employ 1,000 people; that Durham County has a requirement that local citizens are trained; that there are vast differences in the types of industries that are being lured to Chatham County and surrounding areas; that this is on a weak foundation; and that it is of questionable benefit to the citizens of Chatham County.

Alan Rosenbloom, 824 Poplar Trail, Siler City, NC, stated that he is an adjacent landowner; that his life and farm will be destroyed if ISP Minerals locates in the County; that ISP Minerals has said there will be 125-150 jobs created, but entry level jobs need 3-5 years of mining experience and many people here don't have such experience; and that there is no guarantee that the subcontractors on the project are from Chatham County.

BREAK

The Chairman called for a ten-minute break

Dee Robinson, 741 Mt. Vernon Springs Road, Siler City, NC, stated that ISP Minerals has stated that they will be a good corporate citizen; that they claim the new plant will generate \$1 million annually through purchases and involvement in the community; that he is not sure how this figure was derived or how long the benefit will be; that ISP Minerals has been working on this project for longer than anyone cares to admit with a host of professional services that likely do not include anyone from Chatham County; and that ISP Minerals has underestimated the strength and intellect of the citizens of Chatham County.

John Hammond, 848 Langdon, Pittsboro, NC, stated that he is speaking as secretary of the Chatham Coalition; that economic development covers all aspects of the spectrum; that it is not about giving away large amounts of tax revenue to out-of-state firms to attract them to Chatham County; that statistics from the IRS indicate the state and local taxes make up only 1.2% of the typical company's cost of doing business; that if the County wants to grow good jobs, instead of cooking up tax breaks to firms that have already decided to move to the County, high quality education and training are needed to make communities attractive places to live; that industry and new business need to be located in the municipalities where there is infrastructure; that ISP' principal reason for locating in the County is the natural resource, easily extractable stone, in the Mt. Vernon Springs area; that after that, the availability of transportation and markets are important; that hopefully, they are considering local skilled labor as a valuable resource and that they will rely on that pool of local workers to fill most of their jobs; that there is no way that a multi-million dollar company like ISP, having already spent the funds to get this land rezoned and applied for state mining and other environment permits can say that these incentives are a determining or even significant factor in the decision to locate a mining operation outside Siler City; that the rock is driving the deal; that he cannot speak for ISP, but given the County's desperate need for new schools that the citizens must fund, he as a Chatham County citizen and taxpayer, cannot support giving away three million of tax revenue to ISP for 150 jobs outside Siler City; that given the minerals ISP need are in the County, tax incentives are truly penny-wise and pound-foolish and are not in the best interests of the citizens of Chatham County.

Willis Wrenn, 526 W. Glendale, Siler City, NC, stated that he is an adjacent property owner; that ISP Minerals will locate in Chatham County whether they have incentives or not; that no compensation has been offered to adjacent landowners; that the land around it will be devalued considerably; and that the company should at least pay damages.

Jeffrey Starkweather, 590 Old Pittsboro-Goldston Road, Pittsboro, NC, stated that there are a number of good things that have come to Siler City; that these incentives affect every taxpayer; that the Economic Development Corporation's decision was based on false information; that the EDC cannot make the certification without evidence; that approving this incentive package will give the County the reputation as an incentive site; and that there are a number of other ways to use this money more productively.

Sonny Keisler, 3006 River Forks Road, Sanford, NC, stated that he was here on behalf of the Friends of the Rocky River; that the Friends share the same concerns as previous speakers; that they are concerned that ISP Minerals will cause the degradation of the Rocky River; that there are no guarantees about employment of Chatham County residents; and that no acceptable case has been made about why one of the most wealthy men needs incentives. He further stated that based on concerns of the Friends of the Rocky River, Chatham County give financial assistance to the ISP mine only if: 1) Legally enforceable guarantees are given that the water quality of the Rocky River and its tributaries will not be degraded up to and including a one hundred year rain event; 2) ISP will in addition, contribute financially to County and citizen efforts to improve the water quality of the Rocky River and the new parks and recreational areas made available on the river; 3) A guarantee is given concerning preferential hiring of Chatham residents and an acceptable minimum number of Chatham County residents that ISP will employ; 4) A risk assessment be undertaken by a reputable third party that establishes a high probability that Chatham County will, in a worst case scenario, receive a return on its investment equal to what could be expected from a high quality pine plantation (12-15% per year); and 5) Convincing evidence is provided that the owner of ISP cannot afford to finance the mine himself. He stated that as of now, it appears that none of these conditions has been met and that until they are, the Friends of the Rocky River recommend the proposal for financial assistance be tabled.

Ken Winter, 705 Glosson Road, Siler City, NC, questioned where the money was for Chatham Hospital when they were planning their new facility. He stated that he has a working farm next to the proposed site; that he is a member of the Friends of Mt. Vernon Springs group; that this makes a mockery of the noise ordinance; that sleeping with the windows open will no longer be possible; that testimony from neighbors around other ISP Minerals sites show damage to the neighborhoods; and that the Board should be ashamed if they vote approval of the incentive package.

Nick Meyer, 988 Booth Hill, Chapel Hill, NC, stated that the "if we don't do it, no one else will" philosophy shouldn't matter here; that this money goes directly into the owner's pocket; that this is an inappropriate use of our taxpayer money; that this is one corrupt practice after another; and that the Board is picking the winners and the losers.

Randy Voller, 21 Randolph Court, Pittsboro, NC, stated that this is a tough choice; that the actual value of the money was not calculated; that 3M is already here and cannot expand without knowing what ISP Minerals will do; that before the Board considers supporting this mega-business, they need to help other businesses, small and medium; and that he feels that this idea needs to be explored before the Board votes on the proposal.

Elizabeth Dixon, 2861 Mt. Vernon Springs Road, Siler City, NC, stated that the done deal is also a dumb deal; that they left citizens out of the decision making process; that the Siler City Town Board and the ISP Minerals President should not sway the decision; that her house should be listed on the historical register; that she is worried about truck traffic; and that she asked that the Board read all the written documentation submitted before making a decision on the proposal.

Chris Bush, 258 Tick Creek Preserve, Siler City, NC, stated that he moved to Chatham County based on the Chatham County Land Use Plan and Siler City's promises to protect the ETJ; that he'll have blasting, noise, and vibration to deal with now; that this is an issue of broken faith; and that he urges the Board to make the right decision and deny this request.

Libby Hicks, 2346 Tom Stevens Road, Siler City, NC, stated she felt that it was rude to cut people off in three minutes; that ISP Minerals and their attorney had an unlimited amount of time to talk; that Chatham County has become a travel destination with several attractions including Jordan Lake, golf courses, bed and breakfasts, bike trails and vineyards; that Chatham County has had the third largest increase in travel and tourism; that tourism has generated an economic impact of \$20.88 million; that they must protect the resources of Chatham County; that this industry has been around for a long time; and that ISP Minerals has a terrible reputation. She further stated that this has not been researched adequately enough; that the ISP Minerals representatives have done their job in selling this company; and that now it is the Board's job to listen to the people.

Guy Loeffler, 466 Vineyard Ride, Siler City, NC, stated that he is the managing partner of Horizon Cellars; that ISP will be getting lots of money to bring their business to Chatham County; that he received no money for his business; that the County should be enticing people to visit; that these incentives should be based on strong conditions; and that the proposal should have contiguous support from all levels.

Karl Ernst, 711 Red Oak Drive, Siler City, NC, stated that once money is paid, it then becomes taxpayer money; that the County needs industrial development; that companies are laying people off in Siler City; that all businesses have had the option to apply for incentives since 2004; that the reality is that every tax dollar the County can get is desperately needed; that the economic survival of the town he lives in is on the table; that he supports new industry but not on the backs of the taxpayers; and that all citizens in Chatham County will benefit from a good corporate partner.

Board members asked questions of the applicant. 9:23

Chairman Morgan moved, seconded by Commissioner Emerson, to adopt **Resolution #2006-58 Authorizing An Incentives Contract with ISP Minerals, Inc.**, attached hereto and by reference made a part hereof. The motion carried three (3) to two (2) with Commissioners Barnes and Cross opposing.

BREAK

The Chairman called for a short break

PLANNING AND ZONING

Preliminary Approval of "Briar Chapel, Phase IV, Pods A, B, C, and D": Consideration of a request by Kevin Hamak, RLA, The John R. McAdams Company, Inc. on behalf of NNP Briar Chapel LLC for subdivision preliminary approval of **"Briar Chapel, Phase IV, Pods A, B, C, and D (Including Phase 3 ROW)"**, consisting of 323 lots on 152 acres, located off US Highway #15-501, Baldwin Township

As per the Planning Department and Planning Board recommendation, Commissioner Emerson moved, seconded by Commissioner Outz, to approve of the road names listed and alleyway names shown on the preliminary plat and preliminary approval of "Briar Chapel, Phase IV, Pods A, B, C, and D (including Phase 3 ROW)" was granted with the following condition:

1. The final plat shall include the changes and/or items as specified above.

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

Zoning and Ordinance Amendments:

Request for Conditional Use District B-1 Business: Consideration of a request by Jeff Goodwin by Attorney Cindy Perry to rezone 4.03 acres of property located on Martha's Chapel Road (SR #1752) to Conditional Use District B-1 Business for a boat, camper, and RV storage facility

By consensus, this item was tabled until the November 06, 2006 Board of Commissioners' meeting.

Request for Conditional Use District Permit: Consideration of a request by Jeff Goodwin by Attorney Cindy Perry to rezone 4.03 acres of property located on Martha's Chapel Road (SR #1752) for a Conditional Use District Permit for a boat, camper, and RV storage facility

By consensus, this item was tabled until the November 06, 2006 Board of Commissioners' meeting.

Request for B-1 Conditional Use District: Consideration of a request by Blake & Associates, Inc. on behalf of HBP Properties, LLC for a B-1 Conditional Use District on 40 acres, located at the intersection of US Highway #15-501 North and SR #1530, Polks Landing Road, Baldwin Township

As per the Planning Department and Planning Board recommendation, Commissioner Emerson moved, seconded by Commissioner Outz, to adopt **An Ordinance Amending the Zoning Ordinance of Chatham County**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Request for Conditional Use Permit: Consideration of a request by Blake & Associates, Inc. on behalf of HBP Properties, LLC for a Conditional Use Permit for Retail / Office Buildings / Restaurants / Bank / Insurance / Financial Services / Specialty Retail / Furniture / Pet Shop / Art House Theatre / Gallery / Pharmacy / Drug Store / Engineering / Service Offices / Distribution Centers (see application for specific uses), on 40 acres, located at the intersection of US Highway #15-501 North and SR #1530, Polk's Landing Road, Baldwin Township

Commissioner Emerson moved, seconded by Commissioner Outz, to adopt **Resolution #2006-59 Approving an Application for a Conditional Use Permit Requested by Blake & Associates, Inc.**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Request to Rezone Acreage off Big Hole Road: Consideration of a request by McLean Family LTD, Partnership to rezone approximately 470 acres located off Big Hole Road (Private), Williams Township from RA-5 to RA-90

As per the Planning Department recommendation, Commissioner Emerson moved, seconded by Commissioner Outz, to adopt **An Ordinance Amending the Zoning Ordinance of Chatham County**, attached hereto and by reference made a part hereof. The motion carried three (3) to two (2) with Commissioners Cross and Barnes opposing.

Request to Rezone Acreage off Hatley Road: Consideration of a request by Contentnea Creek Development Company to rezone approximately 130 acres located off Hatley Road (SR #1714), New Hope Township from RA-5 to Conditional Use RA-90 District

As per the Planning Board and Planning Department recommendation, Commissioner Outz moved, seconded by Commissioner Emerson, to adopt **An Ordinance Amending the Zoning Ordinance of Chatham County**, attached hereto and by reference made a part hereof. The motion carried three (3) to two (2) with Commissioners Cross and Barnes opposing.

Request for Conditional Use RA-90 Permit: Consideration of a request by Contentnea Creek Development Company for a Conditional Use RA-90 Permit for a 63 lot single family residential subdivision with site plan on approximately 130 acres located off Hatley Road (SR #1714), New Hope Township

As per the Planning Department recommendation, Commissioner Outz moved, seconded by

Commissioner Emerson, to adopt **Resolution #2006-60 Approving an Application for a Conditional Use Permit Requested by Contentnea Creek Development Company**, attached hereto and by reference made a part hereof. The motion carried four (4) to one (1) with Commissioner Barnes opposing.

Request to Rezone Acreage at Corner of US #64 and Bob Horton Road: Consideration of a request by Walter Lewis to rezone approximately 5.35 acres located at the corner of US #64 East and Bob Horton Road (SR #1744), New Hope Township from RA-40 Residential Agricultural to Conditional Use B-1 Business

As per the Planning Board and Planning Department recommendation, Commissioner Emerson moved, seconded by Commissioner Outz, to adopt **An Ordinance Amending the Zoning Ordinance of Chatham County**, attached hereto and by reference made a part hereof. The motion carried four (4) to one (1) with Commissioner Barnes opposing.

Request for Conditional Use B-1 Business Permit: Consideration of a request by Walter Lewis for a Conditional Use B-1 Business Permit for an indoor storage for boats, recreational vehicles, and other vehicular and self storage uses on approximately 5.35 acres located at the corner of US 64 East and Bob Horton Road (SR #1744), New Hope Township

As per the Planning Department and Planning Board recommendation, Commissioner Emerson moved, seconded by Commissioner Outz, to adopt **Resolution #2006-61 Approving An Application For A Conditional Use Permit Requested by Walter Lewis**, attached hereto and by reference made a part hereof. The motion carried four (4) to one (1) with Commissioner Barnes opposing.

BOARDS AND COMMITTEES

Agriculture Advisory Committee: Consideration of a request to appoint/reappoint a member to the Agriculture Advisory Committee by Commissioner Barnes (1)

This appointment was deferred until a later date.

Solid Waste Advisory Board: Consideration of a request to appoint a member to the Solid Waste Advisory Board by Commissioner Emerson (1)

This appointment was deferred until a later date.

MANAGER' S REPORTS

There were no Manager's Reports.

COMMISSIONERS' REPORTS

Commissioner Outz moved that the Chatham County Commissioners write their representatives, Senator Bob Atwater and Representative Joe Hackney, to request that they introduce a bill that would allow people in their area, that a town or city is trying to annexed, be allowed to vote on whether or not they want to be annexed.

Commissioner Cross stated that the law states that they can annex either way without anyone's approval.

After some discussion, the motion died for lack of a second.

ADJOURNMENT

Commissioner Barnes moved, seconded by Commissioner Cross, to adjourn the regular meeting. The motion carried five (5) to zero (0), and the meeting was adjourned at 10:20 PM.

Bunkey Morgan, Chairman

ATTEST:

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