

**MINUTES**  
**CHATHAM COUNTY BOARD OF COMMISSIONERS**  
**REGULAR MEETING**  
**AUGUST 17, 2009**

---

The Board of Commissioners ("the Board") of the County of Chatham, North Carolina, met in the District Courtroom, located in Pittsboro, North Carolina, at 6:00 PM on August 17, 2009.

Present: George Lucier, Chairman; Sally Kost, Vice-Chair; Commissioners Mike Cross, Carl Thompson, and Tom Vanderbeck

Staff Members Present: Charlie Horne, County Manager; Tim Sullivan, Acting County Attorney; Renee Paschal, Assistant County Manager; Elizabeth Plata, Deputy Clerk to the Board; and Sandra B. Sublett, Clerk to the Board

**INVOCATION AND PLEDGE OF ALLEGIANCE**

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

**CALL TO ORDER**

Chairman Lucier called the meeting to order at 6:02 PM.

**APPROVAL OF AGENDA and CONSENT AGENDA**

Commissioner Kost moved, seconded by Commissioner Vanderbeck, to approve the Agenda and Consent Agenda, with the addition of Item #6, NC Association of County Commissioners (NCACC) Sessions, Item #7, Agenda Finalization Process, and Item #8, Pittsboro/Chapel Hill Express Service from the afternoon work session for consideration after the public hearing on the Lighting Ordinance, with the noted requests:

1. **Minutes:** Approval of Board Minutes for Regular Meeting held August 03, 2009, Work Session held August 03, 2009

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

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

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

3. **Fiscal Year 2009-2010 Budget Amendments:** Approval of a request to approve Fiscal Year 2009-2010 Budget Amendments, attached hereto and by reference made a part hereof.

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

4. **Subdivision Final Plat Approval of "Briar Chapel, Phase 4, Section 3":** Request by John R. McAdams Co., LLC on behalf of Newland Communities for subdivision final plat approval of "Briar Chapel, Phase 4, Section 3" for a recombination of existing lots 5 and 6 of plat titled Briar Chapel - Phase 3 and Phase 4, Section 1 and Lots 309 -315 of plat titled Briar Chapel - Phase 4, Section 3 into new lot #'s 6 and 358 -377

As per the Planning Department and Planning Board recommendation (by unanimous

vote), the request for subdivision final plat approval of "Briar Chapel", Phase 4, Section 3", Existing Lots 5 & 6 and 309-315 into new Lot 6 and Lots 358-377 was approved as requested.

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

5. **Purchase of Autos for Sheriff's Office:** Approval of a request to waive the competitive bid process and award the piggyback bid for the purchase of twelve new Dodge Chargers for the Chatham County Sheriff's Office from Ilderton Dodge of High Point in the amount of \$245,588.00

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

6. **Jury Commission Reappointment:** Approval of a request to reappoint Claristine W. Bryant to the Jury Commission, term to begin July 1, 2009 and expire June 30, 2011

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

7. **Recreation Advisory Board Appointment:** Approval of a request to appoint Dee Reid to the Recreation Advisory Board by Commissioner Kost

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

8. **Smoking in Parks Designated Area Policy:** Approval of "Smoking in Parks Designated Policy", attached hereto and by reference made a part hereof.

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

9. **Chatham County Parks and Recreation Shelter and Kitchen Reservation Fee:** Approval of the Chatham County Parks and Recreation Shelter Kitchen Reservation Fee, attached hereto and by reference made a part hereof.

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

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

#### **PUBLIC INPUT SESSION**

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

#### **PLANNING AND ZONING**

Approval of a request by Arcadia Consulting Engineers on behalf of HBP Properties, LLC for subdivision preliminary plat approval of "Legend Oaks, Phase III", consisting of 56 lots on 99.23 acres, located off 15-501 North, Williams Township; and a request to extend the final plat submittal deadline for an additional 12 months from 18 to 30 months

Eric Braun, attorney representing the developer, addressed the Board regarding the request.

Commissioner Vanderbeck moved, seconded by Commissioners Kost, to grant approval, as per the Planning Department and Planning Board recommendation (by a vote of 8-1), of the road names "Victory Park Drive", "Carter Walk Way", "Flanders Street", "Laurel Grove Court", and "Triton Walk Way" and grant approval of the preliminary plat with the one condition as listed:

1. The final plat shall be revised to show the drainage easements labeled as "private" outside the area designated acceptable by the NC Department of Transportation.

The motion carried four (4) to one (1). Mike Cross, Commissioner opposed.

Sally Kost, Vice-Chair moved, seconded by Carl Thompson, Commissioner, to deny the request for a development schedule extension of 12 months (for a total of 30 months).

The motion carried four (4) to one (1). Mike Cross, Commissioner opposed.

Commissioner Cross asked for reconsideration of the vote on the preliminary plat approval due to his misunderstanding of the motion.

Commissioner Vanderbeck moved, seconded by Commissioner Kost, to grant approval, as per the Planning Department and Planning Board recommendation (by a vote of 8-1), of the road names "Victory Park Drive", "Carter Walk Way", "Flanders Street", "Laurel Grove Court", and "Triton Walk Way" and grant approval of the preliminary plat with the one condition listed as listed:

1. The final plat shall be revised to show the drainage easements labeled as "private" outside the area designated acceptable by the NC Department of Transportation.

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

**Rezoning Request from R-1 Residential to Light Industrial:** Approval of a request to rezone a portion of parcel #18402 (consisting of approximately 30 acres), owned by Joanna Bright and Walter Anthony Bright, Trustees, from R-1, Residential to Light Industrial

Angela Birchett, Land Use Administrator, explained the specifics of the request.

David Klarman, 380 Hatley Road, Pittsboro, NC, stated that this was not R-1 property.

Barbara Ford, Planning Board Member, addressed the Board.

Anthony Bright, 1305 Walter Bright Road, Sanford, NC, stated that there are no adjacent land owners who oppose the rezoning of his property to light industrial.

Chairman Lucier suggested that a decision on this item be deferred until the County is further along on the Major Corridor process.

By consensus, the Board agreed to defer a decision on this item until the County is further along on the major Corridor process and the request can be reviewed by the County Attorney.

Lynn Richardson, Land Use Administrator, explained the specifics of the request.

### **PUBLIC HEARING:**

**Public Hearing to Consider Adoption of Lighting Ordinance** Public hearing to receive public comments on a request by the Chatham County Board of Commissioners to consider adoption of the Chatham County Lighting Ordinance

Angela Birchett explained the specifics of the request by the Chatham County Board of Commissioners to consider adoption of the Chatham County Lighting Ordinance. She stated that the purpose of the ordinance is to establish outdoor lighting standards for residential and non-residential uses, establish lighting design review and enforcement procedures, and establish an amortization schedule for vehicular canopies in the unzoned areas of the County.

Chairman Lucier reviewed the benefits of the Lighting Ordinance stating that it would serve to minimize a lot of the angst associated with both commercial and residential development in the County.

The Chairman opened the floor for public comments.

Anthony Bright, 1305 Walter Bright Road, Sanford, NC, asked for caution before approving the Lighting Ordinance.

Marty Clayton, Progress Energy Community Relations Manager, stated that they appreciated the opportunity to be involved and assist the County in the development of the Lighting Ordinance.

Loyse Hurley, 16 Matchwood Pittsboro, NC, President of Chatham Citizens for Effective Communities (CCEC), spoke in favor of the application of a lighting ordinance in the unzoned areas of the County stating that their support is based primarily on safety reasons.

Rebecca Crabtree, 2143 Jones Ferry Road, Pittsboro, NC, asked questions regarding the Lighting Ordinance in relation to her business. Her business is currently under the lighting ordinance in that it is located in the zoned area of the County.

Chairman Lucier closed the public hearing.

#### **NC ASSOCIATION OF COUNTY COMMISSIONERS (NCACC)**

Commissioner Cross reviewed the agenda for the 102nd Annual Conference for the North Carolina Association of County Commissioners to be held in Catawba County on August 27-30, 2009.

#### **AGENDA FINALIZATION PROCESS**

The Board reviewed the agenda finalization process for submission of items to be reviewed by the Board of Commissioners at their formal Board meetings. Commissioner Kost stated that they would continue to work to fine-tune the procedures, as to what information to include in the agenda packets, internal deadlines, and agenda delivery methods.

#### **PITTSBORO/CHAPEL HILL EXPRESS SERVICE**

The County Manager explained that they are prepared to move forward with the agreement between Chatham County, the Town of Pittsboro, and the Town of Chapel Hill for express bus service between Chatham County and Chapel Hill.

The Board discussed marketing of the new services, meeting dates, and other issues.

Commissioner Vanderbeck pointed out a typographical error in Section 6, 5th line, "CTI", which needs to be corrected.

Commissioner Thompson moved, seconded by Commissioner Vanderbeck, to approve the Agreement Between Chatham County, the Town of Pittsboro, and the Town of Chapel Hill/Transit for Express Bus Service Between Chatham County and Chapel Hill, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

#### **MANAGER'S REPORTS**

Renee Paschal, Assistant County Manager, explained the impact of the State budget. The known revenue loss is approximately \$300,000. Another \$550,639 in Medicaid for case management services, particularly in the Health Department, is unknown, but some impact is likely. The County will know more as the budget cuts are filtered through state government.

Commissioner Kost expressed concern with regard to the State taking the County's revenue to help balance the State budget.

By consensus, the Board agreed to send a letter to the Governor expressing concern with regard to the State taking County revenue to balance the State budget.

**COMMISSIONERS' REPORTS**

**Progress Energy:**

Commissioner Vanderbeck expressed appreciation to Marty Clayton for assisting the Green Economy Task Force and the Central Carolina Community College in seeking stimulus funding. He stated that Mr. Clayton, through Progress Energy, had arranged to have the NC Arts Incubator buildings audited in Siler City which will help the County in using the information for seeking stimulus funding and that the data can be used in the County-wide energy plan.

**Triangle Area Rural Planning Organization (TARPO) Meeting:**

Commissioner Vanderbeck stated that the Secretary of Transportation attended the August 13<sup>th</sup> TARPO meeting, discussed general transportation issues within the State of North Carolina, and answered questions. He stated that Chairman Lucier and Vice Chair Kost were also in attendance.

Commissioner Kost updated the Board on the Congestion Mitigation Air Quality application submitted by the Town of Cary for the trailhead. This project ranked third in the list of 14 projects but only half of the \$445,000 was funded. Commissioner Kost suggested if there were future projects submitted to the Durham Chapel Hill Carrboro Metropolitan Planning Organization, that transportation staff from Cary attend the staff level meeting.

**Grand Trees Representative:**

Chairman Lucier requested that the roster for the Grand Trees Board include a representative from Cary. He asked Commissioner Kost to find a candidate for the September 8, 2009 Board of Commissioners' meeting. Commissioner Kost agreed to do so.

**ADJOURNMENT**

Commissioner Vanderbeck moved, seconded by Commissioner Cross, to adjourn the meeting. The motion carried five (5) to zero (0), and the meeting was adjourned at 7:53 PM.

---

George Lucier, Chairman

ATTEST:

---

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