

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

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 April 19, 2010.

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

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

INVOCATION AND PLEDGE OF ALLEGIANCE

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

CALL TO ORDER

Chair Kost called the meeting to order at 6:02 PM.

APPROVAL OF AGENDA and CONSENT AGENDA

The Chair asked that the following items be removed from the Consent Agenda and placed on the Regular Agenda for discussion after the Public Input Session:

- Earth Week Proclamation
- Proposed Process Change for Grant Applications
- Proclamation Declaring “County Clerks’ Week” in Chatham County

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

1. **Minutes:** Approval of Board Minutes for Regular Meeting held April 05, 2010, Work Session held April 05, 2010, Special Meeting held March 31, 2010, Minutes for Budget Work Sessions held June 03, 2009, June 04, 2009, June 09, 2009, Ethics Training held March 25, 2010, and amendment to February 16, 2009 Regular Minutes

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. **Naming of Private Roads in Chatham County:** Approval of a request to name private roads in Chatham County as follows:

Cheek Family Lane
Shady Wagon Farm Lane

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

4. **Proclamation of Earth Week:** Approval of a request to adopt Earth Week Proclamation

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

5. **Transportation Advisory Board Appointments:** Approval of a request to appoint Transportation Advisory Board voting members as recommended by the Selection Committee; Concur in the appointment of the Transportation Advisory Board non-voting members; and Appoint Transportation Advisory Board member to represent Chatham County as follows:

Name - Commissioner District # - User Group/Issue Area Represented

Delonda Alexander - 3 - Environment

Mary Bastin - 1 - Social

David Bordsen - 1 - Economic and Social

Philip Bors - 2 - Non-motorized, Public Safety and Social

Faythe Canson Clark - 2 - Public Transportation, Economic, Environment and Social

Dale Chodorow - 1 - Personal Motor Vehicle, Public Transportation, Economic & Social

Robin Emerson - 4 - Personal Motor Vehicle, Public Safety and Economic

Claire Kane - 2 - Non-motorized, Public Transportation, Public Safety, Economic, Environment and Social

Kimberly Sevy - 3 - Non-motorized, Public Transportation, Environment and Social

Rosa Sutton - 4 - Social

Willa Thompson - 5 - Public Transportation and Social

In accordance with the bylaws, terms for these voting members will be determined by lottery at the first regular meeting, with 5 voting members' terms expiring 12/2011 and 6 expiring 12/2013.

The following non-voting members have been appointed by their respective entities:

Lynn Gaines, Town of Goldston

Michael Fiocco, Town of Pittsboro (with Clinton Bryan, alternate)

Larry Cheek, Town of Siler City

Dale Olbrich, Chatham Transit Network

The Town of Cary has not yet appointed a non-voting member.

A non-voting member representing Chatham County to be appointed.

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

6. **Proposed Process Change for Grant Applications:** County policy currently requires all grants to be approved by the Board of Commissioners before they are submitted. Staff proposes a change in the process to allow for administrative approval of grants that do not require a match and an emergency approval process for grants that cannot be scheduled in advance on the commissioner agenda.

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

7. **Proclamation Declaring "County Clerks' Week" in Chatham County:** Adoption of **Proclamation Declaring May 2-May 8, 2010 as "County Clerks Week" in Chatham County**, attached hereto and by reference made a part hereof.

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

END OF CONSENT AGENDA

PUBLIC INPUT SESSION

Karl Ernst, 711 Red Oak Drive, Siler City, NC, stated that at a forum he attended held two years ago in Siler City, Commissioners Kost and Lucier expressed support for district voting; that it has now been a year and a half and nothing has been done and he finds it disappointing; that he felt like an honest commitment was made and it is time for it to now move forward; and that he asks the three Board members that are running for reelection to make a commitment for that effort.

He also stated that the Land Transfer Tax issue has resurfaced; that almost three years ago, the people of Chatham County clearly stated that by a vote of two to one majority that they did not want the tax; that he understands that it is now back on the table; that he finds it bothersome; and that he again asks each Board member to rethink the issue, as if it is again put before the people, it will be defeated.

Chair Kost stated that she has worked on a proposal to take to the Board, not to just look at district only voting, as she said that Mr. Ernst was incorrect in that she has never stated that she supports district only voting; that she would be interested in studying a combination of at-large and district representation and increasing the number of commissioners. She stated that like the Land Transfer Tax, the voters soundly defeated district-only voting in the County; that Mr. Ernst indicated that “not one lick” has been done on the district representation issue which is not true and that she would have welcomed sharing information with him as to what has been done if he had asked; that the timing is such that the work will need to be done based on information from the census; that with the priority of dealing with the historic courthouse versus districting voting, she is sure that he can understand where their priorities have been.

Commissioner Lucier stated that he believes that after the census data comes in, they will take a look at it in relation to the shift in population; and that they have also talked about that issue in trying to get the Board of Education districts identical to those of the Board of Commissioners’ districts as it causes confusion among the voters to have two separate districts.

Chair Kost reiterated that she is very accessible and added that she would have welcomed the opportunity to provide information as to the status of studying this issue.

Earth Week Proclamation:

The Chair read the Earth Week Proclamation in its entirety.

Commissioner Lucier commented that he felt that the resolution was extraordinarily well-done; that it captured the importance of protecting our natural resources, economic development, agriculture, quality of life, and public health; and that they were connected under the rubric of Earth Week.

Commissioner Lucier moved, seconded by Commissioner Vanderbeck, to adopt **Earth Week Proclamation #2010-23**.

Chair Kost stated that the proclamation was placed on the Consent Agenda, but when she read it, she felt that it summarized everything that she believes in supporting.

Commissioner Thompson added that this week, Monday through Thursday, there will be activities at Central Carolina Community College in celebration of Earth Week, and that he encouraged everyone to attend the festivities.

Chair Kost called the question. The motion carried five (5) to zero (0). The resolution is attached hereto and by reference made a part hereof.

Proclamation Declaring May 2-May 8, 2010 as “County Clerks Week” in Chatham County

The Chair explained that the Proclamation Declaring “County Clerks Week” was placed on the Consent Agenda with the intention of recognizing the Clerk to the Board and Deputy Clerk. She stated that the proclamation declares May 2-May 8, 2010 as “County Clerks Week”; that in the United States, there are 3,141 counties; that they think that they have the best Clerk and Deputy Clerk of all of them; that when the Board meeting is held on Monday, by Wednesday morning, another agenda has to be prepared and ready to send to the Board; that with the preparation of the minutes, running the meetings, always a face to the citizens and that she would like to recognize Sandra Sublett and Elizabeth Plata for all they do for Chatham County.

The Clerk expressed appreciation to the Board for the special recognition. She stated that she loved her job, but it was her Board, coworkers, and citizens of Chatham County that make it all worthwhile.

The Deputy Clerk stated that she had only been in her position a little over a year, but she had been learning every single day and that she thanked the Board.

Commissioner Thompson moved, seconded by Commissioner Lucier, to adopt **Proclamation #2010-24 Declaring May 2-May 8, 2010 as “County Clerks Week” in Chatham County**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

The Chair reiterated that the Board appreciates everything that the Clerk and Deputy Clerk do for them.

Proposed Process Change for Grant Applications: County policy currently requires all grant applications to be approved by the Board of Commissioners before they are submitted. Staff proposes a change in the process to allow for administrative approval of grant applications that do not require a county financial match and an emergency approval process for grant applications that cannot be scheduled in advance on the commissioner agenda.

Commissioner Thompson stated that in a situation where a grant requires a county match or where the funder expects the county to continue to fund a position, the language reads, “If a grant requires a county match – either cash or in-kind – *or* the funder expects the county to continue to fund a position or program after the grant is complete, then the grant application must be submitted to Board of Commissioners’ for approval. Ideally, this will occur prior to grant submission. However, there will be grant announcements with short lead times and deadlines that occur shortly after a Board of Commissioners’ meeting, and for many of these the budget and the proposal itself will not be complete two weeks prior to the meeting, which is when the agenda must be completed. In this case the Manager’s Office can authorize the application and report to the Board of Commissioners at the next meeting. If the Board of Commissioners does not approve the grant proposal, the funder will be notified that the county chooses to withdraw the application.” He proposed that he would add “There should be collaboration with the Chair and Vice Chair by the County Manager.” He stated that at this point, this would help reduce instances in which they would apply for a grant then have to go back and say that the Board is not in favor of it.

Commissioner Lucier moved, seconded by Commissioner Vanderbeck, to amend the “Proposed Process Change for Grant Applications” as recommended by Commissioner Thompson to include wording for a grant application that would require a County match or continued funding that the Chair and Vice Chair be notified by the County Manager in cases of emergency. The motion carried five (5) to zero (0).

COURTHOUSE UPDATE

Update on the Chatham County Historic Courthouse:

Chair Kost reviewed items discussed in the afternoon work session as follows:

1. A discussion was held regarding the up-fit of shell space in the new judicial building for a third courtroom and related offices. Prior to the historic courthouse fire, the second floor of the new judicial building was to be left as shell space for a future court space. The Board directed staff to work with the architect to proceed with an estimate of what it would take to complete that space as the building is being built. It will be bid as an alternate, without slowing work on the new judicial center.

2. The Task Force to study the rebuilding/use of the historic courthouse was discussed. The Board agreed to a process and will be aggressively recruiting citizens to serve on a nineteen-member task force to look at the courthouse and determine what functions could be provided in that facility; that they hope to complete the appointments on May 17th Board of Commissioners' meeting; and that the timeframe is such that the Task Force's work will be completed by the end of August.

3. The Board agreed to retain a public adjuster to represent the County's interests in the courthouse insurance settlement and will negotiate the insurance claim on the County's behalf.

4. The Board discussed documenting the rebuilding of the courthouse; that they understand the historic significance of the rebuilding process and the need to have documentation of it; they are looking at various sources of funding to provide for a documentary of the process.

The County Manager stated that they are looking at proposals for structurally securing the historic courthouse walls and options for drying-in the building. He stated that they will return to the Board in the near future regarding the process and proposals.

PLANNING AND ZONING

First Plat Approval of "Heard Cell Tower": Approval of a request by Dorothy Heard for First Plat approval of "Heard Cell Tower" consisting of one (1) non-residential, 40,000 square foot subdivision lot containing an existing telecommunication tower, located off Highway #64 West, Hickory Mountain Township

Jason Sullivan, Acting Planning Director, explained the specifics of the request. He stated that the request currently before the Board is for First Plat approval to create one (1) non-residential subdivision lot of 40,000 square feet containing an existing 300 foot tall lattice cage telecommunication tower. The applicant has completed the Subdivision Concept Plan process, which included a mandatory meeting with neighbors and community. This meeting was held on September 28, 2009 at 5:30 PM at the offices of Bradshaw & Robinson, LLP. Informational letters with a map attached were mailed to all adjacent property owners within 400 feet of the property and the property was posted with an informational sign. No one attended the meeting. The applicant's attorney, Nick Robinson, met with the Technical Review Committee (County staff and others) on October 14, 2009 for review of the proposed subdivision. The six staff members attending the meeting asked questions of Mr. Robinson and had no other comments. Staff received an e-mail from Jane Pyle, Chatham County Historical Association, dated October 13, 2009 stating "It doesn't look like there is anything we should be involved in here. Thanks for the notification." The applicant then prepared the General Environmental Documentation Form and submitted the information to the Environmental Review Board (ERB) for review. A copy of this documentation is included in the First Plat application booklet. The ERB reviewed the information on December 17, 2009. An e-mail from Elaine Chiosso and Tara Allden, Co-Chairs, dated 12/17/09 states "that the Environmental Review Board believes that this proposed division of land, which involves no land disturbing activities, will have no new environmental impacts on the property in question. Therefore, the Environmental Review Board has no objections to this proposed change."

The applicant submitted for First Plat Review on January 11, 2010. The Technical Review Committee met on February 20, 2010 (2nd review) to discuss the application. No comments were received. The Planning Board heard the request initially as a Subdivision

Public Hearing with public comment as required by the Subdivision regulations, along with staff presentation of results of the recommendations from the Environmental Review Board, Board of Education and Planning Department. Per Fred Royal, no additional review or comments are necessary from the ERB. Staff sent an e-mail to David Moody with the Board of Education notifying him of the proposed subdivision. No comments were received from the Board of Education. After the public hearing, the Planning Board had the option to discuss the issue and make a recommendation at the March 2nd meeting or to postpone for up to three (3) additional meetings.

As part of First Plat review the applicant is required in Section 6.2, Additional First Plat Information, (D) and (E) to submit a stormwater plan, an erosion control plan and a utility plan for review, if applicable. Per e-mails (included in booklet) from Fred Royal, Environmental Resource Director, Jim Willis, Erosion Control Inspector, and Roy Lowder, Utility Director, these reviews are not applicable to this request. There was no request from the Board of County Commissioners or the Planning Department for review by the Appearance Commission or the Green Building Task Force (GBTF). The applicant completed the GBTF worksheet and it is included in the application booklet.

The lot will be accessed by way of a private, perpetual easement across property owned by Mrs. Heard. Based on the use of the property, no Environmental Health review is required. Fred Royal did a riparian buffer review of the property on October 14, 2009. No surface waters were found. Per the County GIS information, the property does not have any steep slopes. The plat meets the requirements of the Subdivision Regulations. There are no additional permits or construction necessary to complete this subdivision. Staff recommends that the construction plan and final plat be reviewed and approved by county staff.

The Subdivision Public Hearing was held. Staff presented the notes. Some questions raised by Planning Board members included required lot size, reason for the request, and zoning district associated with the creation of the lot. Staff stated that the lot met the minimum lot size for a communication tower and that the zoning district will be Light Industrial. Wayne Barr, Mrs. Heard's son-in-law, addressed the Planning Board regarding the request and stated that the reason for the request was for future planning for the family. No one else spoke at the public hearing.

As per the Planning Department and Planning Board recommendation (by unanimous vote), Commissioner Lucier moved, seconded by Commissioner Cross, to grant First Plat Approval as submitted and allow County Staff to review and approve the Construction Plan and Final Plat. The motion carried five (5) to zero (0).

Wayne Barr, expressed appreciation for the amount of assistance he received through multiple emails, telephone calls, etc. from the Planning Staff and Planning Board, stating without their guidance, it would have been a much more difficult process.

Chair Kost thanked Mr. Barr for his comments and stating that they were the first to go through this process and they were not the conventional subdivision. She stated that these are the types of things of which they're keeping track so that when the regulations are amended, she feels that the Board can and will be willing to do so.

Rezoning of Land Owned by Claude and Dorothy Heard: Approval of a request to rezone a portion of land owned by Claude and Dorothy Heard, identified as Parcel #11929, located at 8835 US #64 West, Hickory Mountain Township, from R-1 Residential to Ind-L Industrial Light

Commissioner Thompson moved, seconded by Commissioner Cross, 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).

Text Amendments to the Chatham County Land Use Ordinances Related Signs:
Discussion of text amendments to the Chatham County Land Use Ordinances Related Signs

- Zoning Ordinance
- Off-Premise Sign Ordinance
- Countywide Lighting Ordinance

Mr. Sullivan explained that this is a continuation of the discussion from the March 01, 2010 meeting where the Board addressed signage issues stating that there were amendments to the Zoning Ordinance, the Off-Premise Sign Ordinance, and the stand alone Countywide Lighting Ordinance.

Chair Kost explained that the discussions and decisions tonight would be in four categories: (1) Special Events/Temporary Signage; (2) Nonconforming Signs; (3) Political Signs, and (4) Internally Illuminated Signs.

Temporary Signs:

Mr. Sullivan explained that for temporary signs an outstanding issue is how to treat signage on corner lots with more than one road frontage. Chair Kost said that the Board is dealing with two documents: (1) the Zoning Ordinance; and (2) the Off-Premise Sign Ordinance. The current Zoning Ordinance does not define temporary signs so the definition in front of the Board is new. She expressed concern that the definition for temporary signs in the two documents is inconsistent.

Mr. Sullivan explained that since the off-premise sign ordinance applies to the entire county, including the unzoned areas of Chatham, that the definitions are established so that it includes portable/removable signs and that to change it at this point would require restructuring the definitions and would require an additional public hearing. Chair Kost said she now understands why the definitions are different, but that because we need to be making decisions that would help in the future if we were to go to a unified ordinance, that these situations need to be addressed. She asked that this be included on future changes to the ordinance.

By consensus, the Board agreed.

Chair Kost stated that the temporary sign discussion was prompted by enforcement of directional signs in the right of way for the Arts Tour. She stated that what is before the Board tonight does not address directional signs in the right of way. Mr. Sullivan confirmed that he had discussed this issue with the County Attorney and that this controlled by the State and that no signs other than government signs are allowed in the right of way. Mr. Sullivan confirmed until the Board took action on amending regulations dealing with signs, that they had not been enforcing signs in the right of way.

Mr. Sullivan stated that what is being proposed is that temporary signs on an owner's property would require written permission from the property owner. A permit would be needed via an on-line application which states that written permission had been given. This is being proposed because of issues enforcing the temporary sign regulations. Mr. Cross asked for clarification regarding political signs on private property and Mr. Sullivan responded that political signs are not considered temporary signs, but are in a distinct category. Mr. Cross questioned why permission needs to be written. Mr. Sullivan explained that written permission is needed to help them in enforcing the ordinance and that the permission could be a simple email.

Vice Chair Lucier asked about real estate signs. Angela Birchett, Code Enforcement Officer, explained that an individual signs with a real estate company, that they give permission to post a sign on the property.

Chair Kost questioned whether NC DOT could give the Arts Tour or other special events permission to put directional signs in the right of way. Mr. Sullivan said that they could but that it would be unlikely.

Chair Kost said that if the changes are adopted that the county needs to clearly communicate with organizers of these events about signage in the right of way.

Section 15.10: Temporary Signs:

Commissioner Lucier moved, seconded by Commissioner Cross, 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).

Nonconforming Signs:

Chair Kost explained that the issue regarding non-conforming signs came up because of a sign that had been exempted from the current regulations because it was erected prior to the regulations being enacted (grandfathered) had been replaced, which is not allowed under the current regulations.

Mr. Sullivan explained that what is before the Board is to allow for off-premise non-conforming signs to be replaced, repaired or moved to a different location on the same parcel as long as the height and size of the sign was not enlarged.

Chair Kost asked for clarification regarding what is allowed under the current ordinance. Mr. Sullivan stated that signs can be repaired, if the repair is no more than 50 percent of the cost of the sign and that currently nonconforming signs cannot be replaced.

Commissioner Cross indicated that he supports allowing for a sign to be moved on the same parcel.

Commissioner Lucier indicated that he initially brought this to the Board because it didn't seem right that we wouldn't allow a falling down sign to be replaced with a newer better looking sign. He indicated that he supports allowing the non-conforming sign not only to be repaired, but also to be replaced provided that the sign does not exceed the size of the previous sign. He also indicated that he supports allowing the sign to be moved on the same parcel.

Chair Kost indicated that her view is different. From a long-term sustainability issue, signs could be replaced multiple times. Administratively, this is difficult. She further indicated that she is not commenting on the effectiveness of signs, but that signs that are grandfathered could give an unfair advantage over businesses which did not have a grandfathered sign. She indicated that she understands philosophically the reason that this was brought forth, but that she can't support this change.

Commissioner Lucier asked for clarification regarding if a sign is taken down, how long are the grandfathered rights. Mr. Sullivan indicated that it is 365 days in the zoned areas of the county and 180 days in the off premise sign ordinance. Commissioner Lucier indicated that supporters shortening the timeframe from 180 days and Commissioner Vanderbeck agreed. Mr. Sullivan explained that this would require another public hearing and could not be included in the action tonight. By consensus the Board asked that staff bring back a proposal to decrease the time limitation that a sign can be down from 180 days to 90 days.

Commissioner Lucier moved, seconded by Commissioner Vanderbeck, to adopt **An Ordinance Amending the Zoning Ordinance of Chatham County** and adopt **An Ordinance Amending the Off-Premise Sign Ordinance of Chatham County**. The motion carried four (4) to one (1) with Chair Kost opposing. The ordinances are attached hereto and by reference made a part hereof.

Political Signs:

Mr. Sullivan indicated that the current regulations provide that a candidate seeking election can place sign from the filing period through no later than ten working days after the date of the election.

After the March 1 Commissioners' meeting, the Board had requested clarification regarding the primary and general election and some Board members wanted language that

would require signs to be removed between the allowed primary period and the general election allowed period.

Mr. Sullivan explained that the County Attorney had provided additional comments regarding the regulation of political signs that may make this a moot point. As it relates to political signs on private property, the County cannot enforce regulations regarding political signs. He further explained that political signs in the right of way are not allowed by the State.

Commissioner Kost indicated that she would like to know what other jurisdictions do to manage this issue and that she would recommend that the Board take no action on political signs tonight and that staff bring back information regarding how political signs are dealt with in other jurisdictions. Commissioner Vanderbeck clarified that the other jurisdictions should have similar demographic and that the comparison should be to other counties and not include municipalities. Commissioner Lucier indicated that the information should be for the eight counties which border Chatham (Wake, Harnett, Lee, Randolph, Alamance, Orange, Durham and Moore.)

By consensus, the Board agreed to take no action and staff will bring back additional information at a future work session later in the summer.

Ms. Birchett asked for clarification regarding enforcement. Ms. Kost stated that there is no change in the ordinance but that we should enforce the limitation of signs in the right of way.

Mr. Cross asked for clarification regarding the definition of the right of way. Mr. Sullivan indicated that the property line may go to the center of the road, but that the right of way is considered a setback.

Internally Illuminated Signs:

Mr. Sullivan explained that this issue is being brought forward at the request of staff. This was actually for clarification in the lighting section of the Zoning Ordinance as well as the stand-alone lighting ordinance as it applies to unzoned parts of the County. In the lighting section, there are provisions for lighting of signs. The way staff has interpreted that section, internally illuminated signs are prohibited although there is no language that says specifically internally illuminated signs are prohibited.

Mr. Sullivan explained that when the language was originally drafted and the Zoning Ordinance adopted back in 2007, there was actually a separate provision for signage that would address internal illuminated signs and that was removed before it went to public hearing. But staff has interpreted the language in the current ordinance to read that internally illuminated signs are prohibited and all the lighting needs to come from external illumination so you have the lights beaming downward towards the sign.

The Planning Board had requested that additional provisions be provided or additional language be provided for internally illuminated signs with standards. Mr. Sullivan said that the proposed language would address internal illuminated signs as well as digital message boards. The part that addresses internal illuminated signs is consistent with what was proposed in 2007 that was removed from the ordinance.

Staff had contacted Bob Henderson with Progress Energy and he had provided suggested language but this has not been thoroughly reviewed by staff. Commissioner Vanderbeck indicated that it appears that much work needs to be done to the proposed language.

Chair Kost clarified that it appears from the discussion of the Board that they want to find a way to make illuminated signs work with certain limitations that address safety issue, light bleed, etc. She indicated that this issue needs to be referred back to staff and that staff needs to have further dialogue with Mr. Henderson.

Commissioner Vanderbeck agreed and suggested as we survey the other counties regarding political signs, we also find out how they deal with internally illuminated signs. Commissioner Cross indicated that we need to allow for internally illuminated signs, especially company-registered trademarks.

Mr. Sullivan asked for clarification regarding temporary signs and other clean-up language, including the additional definitions. Chair Kost confirmed.

Mr. Sullivan indicated that are other minor adjustments to the Zoning Ordinance that need to be made, such as reducing the square footage of the office/institutional signs and clean up in Section 15.5: Signs Permitted in any Zoning District and Section 15.4: Prohibited Signs. Chair Kost indicated because these items were not included in the most recent agenda abstract, that the Board would not be prepared to deal with them tonight and that they will have to come back to the Board.

Public Hearings:

Public Hearing for Revision to Existing Conditional Use Permit: Continuation of a public hearing to receive public comments on a request by Lauren Fitts dba Carolina Waterscapes for a revision to an existing conditional use permit for a landscape design, food and beverage retail, and general retail business located at 781 Mt. Carmel Church Road, Parcel #19430, Williams Township, to include personal service shop specifically for exercise instruction, massage and physical therapy, acupuncture, and bodyworks for physical health.

Mr. Sullivan explained the specifics of the request for a revision to an existing conditional use permit for Carolina Waterscapes. He stated that the request had not been forwarded to the Appearance Commission as there had been no changes at all to the site plan layout.

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

Lauren Fitts answered questions from the Board and stated that the sign would only change in content, not in structure; that the structure itself will not change; that there will be private pilates and yoga instruction and massage therapy; that services are by appointment only; that the latest class is from seven to eight o'clock; and that everyone is licensed and insured.

The Chair closed the public hearing and referred the request to the Planning Board

Public Hearing on the Chatham County Design Guidelines: Receive public comments on the proposed Chatham County Design Guidelines developed by the County Appearance Commission

Mr. Sullivan explained the proposed Chatham County Guidelines developed by the Appearance Commission. He stated that the County Attorney advised the Board of Commissioners that it would be appropriate to adopt the Chatham County Design Guidelines since they are now referenced in the Zoning Ordinance. Previously the document was reviewed by the Planning Board and Board of Commissioners, but not officially adopted. The Planning Board reviewed the revised Design Guidelines at their May 2009 meeting and recommended approval. At the end of this document is a "Plant List" and members of the Chatham County Environmental Review Board (ERB) requested an opportunity to review the list and make recommendations on which plants they felt were invasive and should be removed from consideration and likewise would suggest others if needed. Commissioner Kost asked the Appearance Commission (CCAC) if they would support the recommendations and they agreed. To date, a revised plant list has not been received from the ERB and therefore the CCAC has not had an opportunity to review their recommendations.

He recommended that the public hearing be continued until they can get the final plant list from the Environmental Review Board so that the Board can approve the design guidelines and the plant list as recommended by the Appearance Commission.

Commissioner Lucier agreed with the recommendation to wait to receive the agreed upon list by the Environmental Review Board and Appearance Commission in order to have one unified list. He expressed concern the wording in Section 3 (A) of the Design Guidelines gives the appearance that the plan is being approved or disapproved by the Appearance Commission; that he thinks that they are actually making recommendations to the Board of Commissioners about what the site plan should include.

By consensus, the Board agreed.

Chair Kost continued the public hearing until the June 21, 2010 Board of Commissioners' meeting.

BOARD OF COMMISSIONERS' PRIORITIES

Senate Bill 510: Consideration of a resolution to oppose placing burdening regulations on small farmers and agribusinesses. The US Senate is considering this bill which would give the Food and Drug Administration wide-ranging new authority over farming practices and food preparation. At the April 5, 2010 meeting during public input, Loyse Hurley, president of Chatham Citizens of Effective Communities provided information regarding this bill. At this meeting, the Commissioners asked for feedback from the Agriculture Advisory Committee, the Economic Development Corporation and from the County Board of Health.

Chair Kost explained that this item was presented to the Board at their April 05, 2010 meeting; that it was left that Commissioner Lucier would get feedback from the Agricultural Advisory Committee, the Economic Development Corporation, and the County Board of Health; that he has done that and will report on that.

Commissioner Lucier stated the he met with the Economic Development first who basically supported the resolution as they felt that Senate Bill 510 would put some of our farmers in a disadvantaged position when it comes to additional inspection costs and record keeping costs with the products that they produce; that in the long run, it might be more to harm it than protect it even though the intent of the bill is good in terms of protecting food safety; that the Ag Advisory Board had pretty much the same feeling in that they also voted unanimously to support the resolution but both boards expressed some concern over where it states it excludes small food businesses, farms, and businesses with gross profits under \$750,000 from Senate Bill 510; that they felt that number was too high and would include the large producers as well; that the number should be decreased to around \$250,000; that the other issue came up when he talked with the Health Department in that they were concerned that this bill is a good bill and should go into law; that there was some sympathy with regard to the bill hurting small farmers; that they talked a lot about the various provisions; that they came up with an additional modification that would address those concerns under, NOW THEREFORE BE IT RESOLVED... #3, "Eliminate the Traceability Rules for food sold directly from the producer to consumer at local farmers' markets and stores, or if required, these rules are greatly simplified to basic record keeping for the small producer"; that his suggestion is to, rather than eliminate, use "Simplify the Traceability Rules for food sold directly from the producer to consumer at local farmers' markets and stores to basic record keeping for the small producer"; and that he feels this would address all of the issues by the EDC, Health Department, and the Agriculture Advisory Board.

Commissioner Thompson moved, seconded by Commissioner Vanderbeck, to approve the suggested changes by Commissioner Lucier to read, "Simplify the Traceability Rules for food sold directly from the producer to consumer at local farmers' markets and stores to basic record keeping for the small producer" and to change the threshold from \$750,000 to \$250,000. The motion carried five (5) to zero (0).

Chair Kost stated that this should to be sent to our US Senators Hagan and Burr, Congressmen Price and Etheridge, and State Legislators Hackney and Atwater.

MANAGER' S REPORTS

The County Manager reported on the following:

Chatham County Cooperative Extension Director:

The hiring process for the Cooperative Extension Director is ongoing, and that the interviews are to be set up within the next two weeks.

Assembly Day:

The NCACC Assembly Day is scheduled for May 19, 2010. Assembly Day is designed to bring county elected officials from across North Carolina for discussions with General Assembly Legislators about county government issues.

COMMISSIONERS' REPORTS

Goldston Sewer:

Commissioner Lucier stated that a public hearing is scheduled to be held in the Town of Goldston for the Goldston connection to the Sanford sewer line; that grant money may be available to make this happen so that the monthly homeowners' bills will not be exorbitant; that will have to be a bond referendum held; that there is a public input session at the Goldston Town Hall on April 26, 2010 at 7:00 PM; an informational session will be held prior to the public session from 6:00 PM - 7:00 PM; and the bond referendum for Goldston voters will be held in Goldston on June 22, 2010.

Central Carolina Board of Trustees' Meeting:

Commissioner Lucier reminded everyone of the Central Carolina Board of Trustees' dinner meeting and tour of the new library and sustainable technologies building to be held on April 28, 2010 from 5:30-7:30 PM.

Triangle J Legislative Goals Committee:

Commissioner Cross stated that the Triangle J Legislative Goals Committee met on Wednesday, April 14th; that there was no interest in doing any original bills for the next legislative session; that the League of Municipalities and the North Carolina Association of County Commissioners feel they have it covered; that it was discussed, but that there were no proposals.

Sustainable Energy Conference:

Commissioner Vanderbeck stated that Jeffrey Starkweather, Laura Lauffer, and he will be attending the Sustainable Energy Conference for the next two days and they hope to get some good information to share.

Broadband:

Commissioner Vanderbeck stated that at the last legislative subcommittee meeting on Broadband they are still trying to decide whether it should be limited to the big players versus allowing the municipalities and other governments to get involved; that on April 20, 2010, there is another subcommittee meeting; and they should not be trying to limit it, but broaden the access to Broadband.

Goldston Public Hearing:

Chair Kost confirmed that she will attend the Goldston public hearing on behalf of the Board; that she will speak to their financial commitment to the debt service; and that she will speak to the actions taken by the Board of Commissioners.

Community Gardens:

Commissioner Lucier stated that three Commissioners attended the Bynum Community Gardens celebration last Sunday; that they need to think about as a Board, ways to encourage and develop a process by which we can have community gardens at all of the

County parks; that it was a great success; that local community groups should be involved in the planning the park; that they struggled through the process of how to do it in terms of liability, etc.; that they now have the process in hand; that he feels it is something they need to do as they expand the County park system; and that if the Board agrees, when he next talks with the Parks and Recreation Advisory Board, he will talk with them about it.

By consensus, the Board agreed.

Commissioner Vanderbeck stated that there had been a question regarding the amount of land beyond the community garden area; that he thinks it is under five acres additional to the ball field; that the usage of the brick building with the collapsing roof, it is presently storing some repair couplings; that they might be able to get roof repaired with community participation and reclaim the building and put it to better use.

Board Goals:

Chair Kost stated that they each have been working on their various sections of the Board of Commissioners' goals; that she would like would like to include time on the May 3, 2010 Work Session agenda to discuss those goals and that they might be able to incorporate a goal dealing with community gardens for the Commissioners. She stated that since they did not have time at the Board Retreat and have not spent a great deal of time on it, that they need to, as a Board, go through them and adopt them. She encouraged each Commissioner to prepare their edits and changes so that they a document to react to on May 3rd. She stated that it is really an update but that there were a few initiatives, many concerning the courthouse.

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 7:49 PM.

Sally Kost, Chair

ATTEST:

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