

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
WORK SESSION
MAY 06, 2002

The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met in the Henry H. Dunlap, Jr. Building Classroom, located in Pittsboro, North Carolina, at 12:00 PM on May 06, 2002.

Present: Chairman Gary Phillips; Vice Chair Margaret Pollard; Commissioners Bob Atwater, Rick Givens, and Carl Outz; County Manager, Charlie Horne; County Attorney, Robert L. Gunn; Assistant County Manager, Paul Spruill; Finance Officer, Vicki McConnell; and Clerk to the Board, Sandra B. Sublett

The Chairman reconvened the work session at 11:05 AM.

Work Session Agenda

- 1.) **Sign Ordinance Discussion**
- 2.) **North Carolina Department of Transportation Luncheon**
- 3.) **Presentation by developers of Amberly in Cary and Chatham County for the consideration of a request to change the development impact fees for schools**
- 4.) **Land Use discussion**

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

The Board met with NC Department of Transportation officials. Topics of discussion were as follows:

- Ø Sign denoting “Moncure” at Deep River Road
- Ø Farmer’s Market and Chatham County Fairgrounds signs off Highway #64 Bypass
- Ø Signal or stop sign at the intersection of Farrington Road and GR Farrell’s Store Road
- Ø Caution light in Bennett at the blind spot near the post office on Main Street in Bennett
- Ø Bonlee School Zone congested area
- Ø Height of new bridge over Haw River
- Ø Narrow bridge on Alston Chapel Church Road (SR#2159)
- Ø Narrow Pittsboro Moncure Road
- Ø Narrow Siler City-Lindley Mill Road
- Ø Narrowness of River Road and Hamlets Chapel Road/Chicken Bridge Road
- Ø Volume of traffic for proposed Briar Chapel
- Ø Continuation of Highway #421 from Siler City to Gulf
- Ø Raising the speed limit on Highway #64

Chairman Phillips expressed concern from citizens with regard to the Town of Pittsboro being bypassed stating that the bypass has done a very good job of taking trucks out-of-town, but that most of the downtown depends on traffic for their livelihoods; that the town is full of antique shops and has one of the oldest courthouses in the State and a museum that is open a couple of days a week; that a "Historic" designation sign needs to be placed on the bypass; that

DOT Representatives expressed appreciation for the cooperation that they have always received from Chatham County and stated that they thoroughly enjoyed coming to Chatham County.

AMBERLY

- Jerry Turner and Eric Tillet, developers of Amberly in Cary and Chatham County, presented information to the Board supporting a reduction in the age of exempt elderly housing facilities from age 65 to age 55 when school-age children are prohibited as residents.

- The developers answered questions from the Board.

CHATHAM TRANSIT – ROAP PROGRAM

Chairman Phillips moved, seconded by Commissioner Givens, to approve the **Resolution #2002-19 Approving the Rural Operating Assistance Program (ROAP) for Chatham Transit**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

LAND USE PLAN

Larry Hicks, presented a model for completion of the Land Conservation and Use Plan. He suggested that the Board create a time-limited "Action Team" to complete the document stating that the team would be comprised of two representatives from the existing Board of Commissioners appointed citizen boards, plus an invitation for up to five interested citizens to participate; that each Board member could appoint one member or volunteers could be sought; that recommended groups include the Planning Board, Strategic Plan Steering Team, Water, Solid Waste, Aesthetics, Recreation, Agriculture, plus others, as desired; that the Strategic Plan Steering team would be charged to facilitate the discussion; that it already is in this mode and can be quite task oriented; that its role, as is already charged, is to facilitate such groups; that it can also assure that the different parts will not be in conflict when completed; that the Action Team would be charged with reviewing the Land Conservation Plan, tasking out the work among the group, and compiling a comprehensive set of recommendations and guidelines for discussion and adoption.

Chairman Phillips stated that his list includes design standards for compact communities and/or compact communities ordinance, commercial appearance standards, all the issues around buffering, (i.e. buffers between subdivisions, commercial properties and the highway, waterways, etc.).

Commissioner Pollard expressed concern with regard to affordable housing and development.

Commissioner Outz stated that he would like to see more interaction of rural citizens on County committees.

Mr. Hicks reviewed the process and rationale for the model.

Ray Greenlaw stated that the charge must be absolutely clear and approved by the Board of

Commissioners and the communications channels must be delineated at the outset.

Howard Stier asked if the Board would rather have options than recommendations when they return to the Board. He stated that the Board had given the committee a number of important areas, but asked if there were particular values or important considerations about the area that the Board would like for the committee to consider.

Charlie Horne, County Manager, stated that this will need staffing in the budget.

The Chairman stated that he would like to receive a response from staff as soon as possible about how they see the physical nature of this happening and what the staffing interaction would be.

Commissioner Atwater stated that the staff needs to look over the proposal; that it contains many good features; that staff might propose to the Board a model of how they think it might best work to give the Board a chance to constructively criticize it and provide an enabling resolution, as well as an authorizing resolution, that committees will be charged from the Commissioners to participate in this activity.

Chairman Phillips mentioned the idea of contract services.

Commissioner Givens expressed concern that the plan started simply and was now getting out-of-hand; that all that needs to be decided is what area needs to be started first and concentrate in that one area and return with specifics to the Board.

Commissioner Outz asked how many surrounding counties have gone through the same process.

Commissioner Pollard asked if the members could provide an idea of the amount of staff, support, and cost needed to maintain the committee.

The County Manager stated that he felt compelled to mention that the Board is asking busy people on Boards that have already committed to do this; and that the stretching out of ideas will take time, particularly going back and forth between boards and committees will be time consuming.

After further discussion, it was decided that prior to the next Board meeting, the County Manager will meet with Mr. Hicks to develop a list of questions for the Board to answer and a suggestion as to protocol so that the next steps can be articulated.

SIGN ORDINANCE

The County Manager stated that the question before the Board is whether or not to enforce the Chatham County Sign Ordinance.

Chairman Phillips stated that, in his opinion, he was not sure that the Board had the right to tell staff not to enforce an ordinance that has been passed by the Board of Commissioners.

Commissioner Givens stated that he did not have a problem with the sign ordinance; that he thought that there was an agreement the first time it was brought up; that he thought it was to be left alone since nothing had been done with it the last two years; that apparently there was a failure to communicate from him or someone else; that he misunderstood it and a couple of other Commissioners misunderstood it; that he thought he cleared it up with the County Manager when he talked with him but he obviously didn't; that he

then called the Planning Director; that after he received the letter, he found out that it was just a form letter, but a personal form letter; that it didn't even mean that they were his signs and they weren't; that it appeared that someone was climbing mountains pulling up his signs; that that was a different area; that he felt that asking to put something off until the next meeting wasn't asking for "Noah to move the ark"; that it was just a request from a Commissioner; that he talked with the Planning Director who said that he received a memo but that nothing was said about postponing anything and that the Commissioners had not voted on it; that he looks at it that when a request is made, that it wasn't an order to do something, it was just a request until they all got together to make a decision; that he feels that if there is manpower to endorse and enforce the ordinance, then do so or if there is not enough manpower to do so, then the Board needs to have a public hearing at which time it can be delayed until after the election; that no one can selectively pull up signs; that all or none should be enforced as in real estate and political signs; that his problem was with staff not the sign ordinance; that he is not used to asking and then finding out that he has to call three Commissioners to get a quorum to get something done; that it was so impersonal that after having been here four years, and people work for the Commissioners; that even Siler City had the courtesy to call and say that he had a sign in the wrong place and asked him to pull it up; that he took it personally when he received a call from the dump telling him that he was in violation of something; that he felt that it was a sorry way to do it; that staff works for him and four other people and that is the way he looks at it; and that he doesn't care what is done with the sign ordinance.

Commissioner Outz asked why the sign ordinance had not been enforced since it was adopted in 1998 and why it had not been enforced during the last election. He stated that he did not want to hear that it was lack of employees; that the County has 360+ employees; and that he never saw any signs taken up.

Commissioner Pollard stated that she had to go to the Moncure Convenience Center to pick up her signs; and that she did not know that a Commissioner has the right to ask the staff to not enforce an ordinance or hold up on enforcement of an ordinance without the concurrence of the Board.

Commissioner Givens stated that he felt that he was undermined by staff; that he did not like it; that if the ordinance is enforced, it has to be uniform; and that he is not saying that someone did not jump just because he asked them to jump.

Commissioner Pollard stated that she felt it was an unfortunate time for them to be discussing this issue; that she feels bad about it but a principal is involved that she feels can not be compromised; that all staff has to go on is County policy; that until the policy is changed, they have to administer the policy; that the policy can not be changed without a public hearing and without a vote of the Board; that she was so upset when she received her call to pick up her signs, but she knew it was policy; and that it is the policy issue, not a personal thing; that it is not only the Commissioners' policy but the policy of the County once it is in the form of an ordinance.

Commissioner Atwater stated that he feels like it is uniform to the extent that the County has staff to enforce it; that if uniformity is pushed far enough, then more employees will be needed to meet the demand; and that he feels it is not a question of someone zeroing in on someone.

Commissioner Givens stated that he was talking about misunderstanding; that he misunderstood three times; that all he asked was that why the Board didn't just wait until they could get together or either have an emergency meeting.

Commissioner Outz stated that while traveling through South Carolina, he saw heavily congested areas with all kinds of signs. He asked that if the policy was an ordinance why was it not enforced prior to this time with regard to real estate and other signs.

Chairman Phillips stated that his real estate firm received the first, second, and third notices stating that there had been citizen complaints and that they had removed their signs and were located at the dump; that he feels it is alright for any Commissioner to ask a temporary courtesy because of confusion at any time; that he does not feel that Commissioner Givens was out-of-order to say to the County Manager that there was some confusion about the matter; that he understood the content to mean that enforcement should be slowed down until the Board had a chance to discuss it; that when he called the County Manager, he reinforced it; that he agrees that fairness is a big piece of the issue; that he also understands that part of it came about because the staff finally had an opportunity to begin enforcing the Sign Ordinance because there was ample staff to do it; that it also came about when there was an abundance of citizen complaints; that the complaints centered on real estate signs and political signs in the right-of-way; and that, according to the County ordinance, is not what the Board wants; that they do not even want temporary signs in the rights-of-way; that this has basically been complaint driven; and that if there is a citizen who calls and complains about obstructions in intersections, the zoning administrator will check it out and if found to be out of compliance, will send notice of violation to the people who have the signs at the corner.

The County Manager stated that the only thing that is enforced County-wide is the outdoor signs and big billboards; and that if the area is un-zoned, it is out of staff's territory to enforce.

The Planning Director stated that Commissioner Givens had called with regard to someone removing his political signs at the Arts Council; that he was told that it was not the staff who removed the signs, that it was the woman who owned the land where the Arts Council is located; that that is where the Off Premise Sign applies and it only addresses billboards.

He presented a map and reviewed the zoned and un-zoned areas of the County stating that it applies mostly to the east of the Haw River and that mostly everything to the west is the Billboard Ordinance; that State law says that signs will not be placed in rights-of-way and that it is considered littering if they are there; that it is against the law and is enforced through the Sheriff's Department or the Solid Waste Department.

Chairman Phillips stated that he has a need for fairness; that it is handled in a consistent manner so that everyone involved knows that it is done this way; that he also has a need for simple practicality; and that if a church is having a yard sale or a church dinner that is occurring over a very specific period of time, he is not interested in having County staff tell them that they can not put a sign out front.

The Planning Director stated that the ordinance allows this type of thing; and that unless it is on the right-of-way, it can be placed on an owner's property under the temporary signs provision.

Chairman Phillips stated that he was satisfied with it being complaint-driven; that it would seem that if someone gets upset about having their signs removed, they can be told that it was because a complaint had been received; and that is what he understands is occurring.

The Planning Director stated that when contacted by the newspaper with regard to the signs posted in opposition to Briar Chapel, the reporter was told that the Planning Department would be collecting all signs that were out-of-compliance and that they would be turned in at the landfill.

Commissioner Givens again stated that his was a misunderstanding of what was said the first and second times; that he hates to think that when he calls and asks for a request that he has to call and get a quorum of three Commissioners for a simple request; that he thinks he had made it very clear and doesn't want to say it anymore.

The County Attorney stated that when the Board adopts an ordinance, the Board has given the staff direction to execute it; that he does not think that one nor five people without a meeting, or in this case without a public hearing, have any power at all to change it; that it is strictly law; that if the Board executes the authority that it is given sitting as a Board, not individually, to change the ordinance, it must be done by the procedure that is set out in the statute.

ADJOURNMENT

Commissioner Atwater moved, seconded by Commissioner Pollard, that there being no further business to come before the Board, the meeting be adjourned. The motion carried five (5) to zero (0), and the meeting was adjourned at 2:54 PM.

Gary Phillips, Chairman

ATTEST:

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