MINUTES CHATHAM COUNTY BOARD OF COMMISSIONERS REGULAR MEETING NOVEMBER 21, 2011

The Board of Commissioners ("the Board") of the County of Chatham, North Carolina, met in the Agricultural Building Auditorium, 45 South Street, Pittsboro, North Carolina, 6:00 PM on November 21, 2011.

Present: Brian Bock, Chairman; Walter Petty, Vice Chair;

Commissioners Mike Cross, Sally Kost, and Pamela Stewart

Staff Present: Charlie Horne, County Manager; Jep Rose, County

Attorney; Renee Paschal, Assistant County Manager; Sandra B. Sublett, Clerk to the Board; and Lindsay Ray,

Deputy Clerk to the Board

INVOCATION AND PLEDGE OF ALLEGIANCE

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

CALL TO ORDER

Chairman Bock welcomed those in attendance and called the meeting to order at 6:01 PM.

AGENDA AND CONSENT AGENDA

Chairman Bock asked that Item #10, EmPOWERment Development Agreement, be removed from the Agenda.

Commissioner Petty moved, seconded by Commissioner Cross, to approve the Agenda and Consent Agenda with the noted request as follows:

1. **Minutes:** Approval of Board Minutes for the November 7, 2011 Regular Session and for the November 7, 2011 Work Session

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

2. **Second Reading of Construction and Demolition Recycling Ordinance:** Vote on proposed revisions to Construction and Demolition Recycling Ordinance. (All five Commissioners must vote on the ordinance. At the first reading, the BOC voted 4-0 to approve the changes herein. One Commissioner was out-of-place and could not attend the meeting on November 7, 2011. Therefore, a second reading is required.)

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

3. **Planning Board Appointment:** Vote on the appointment of Cecil Wilson to the Chatham County Planning Board by Commissioner Cross

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

4. **Schedule Public Hearing on Chatham-Cary Joint Land Use Plan:** Vote on scheduling a public hearing on the Chatham-Cary Joint Land Use Plan for Monday, January 17, 2012 at 6:00 PM to be held in the Agricultural Auditorium

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

5. Chatham County Personnel Policy: Vote on Resolution #2011-55A Amending the Chatham County Personnel Policy November 2011, attached hereto and by reference made a part hereof.

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

6. Resolution for Addition of Street to NC System of Secondary Roads: Vote on a request to adopt Resolution #2011-56 for the Addition of Streets or Roads to the North Carolina System of Secondary Roads - Ridge Springs Drive in the Ridge Springs Subdivision

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

7. Resolution for Addition of Street to NC System of Secondary Roads: Vote on a request to adopt Resolution #2011-57 for the Addition of Streets or Roads to the North Carolina System of Secondary Roads – Ridge Top Drive in the Collin Ridge Subdivision

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

8. Resolution for Addition of Street to NC System of Secondary Roads: Vote on a request to adopt Resolution #2011-58 for the Addition of Streets or Roads to the North Carolina System of Secondary Roads - Valley Meadow Drive in the Valley Meadow Subdivision

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

9. **Appointment to Hold Moncure Volunteer Fire Department Public Hearing:** Vote on appointment of Captain Robert Shi, Moncure Volunteer Fire Department, to conduct a public hearing on November 29, 2011 in reference to purchasing an emergency response vehicle and securing financing through tax-exempt borrowing

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

10. **EmPOWERment Development Agreement**: Vote on approval of First Amendment to EmPOWERment Development Agreement

This item was removed from the Consent Agenda.

END OF CONSENT AGENDA

PUBLIC INPUT SESSION

Beth Kricker, 224 Buteo Ridge, Pittsboro, NC, presented her comments to the Board and provided them in their entirety for the record as follows:

"My name is Beth Kricker. I have lived in Pittsboro close to 20 years in the Redbud Community of North Chatham.

Your work session agenda reports it is your intention to delay the impact fees for incoming developers and to place the burdens of incoming new building construction on our long-suffering Chatham homeowners. Bearing in mind our acknowledged ten percent unemployment rate, not counting those no longer receiving unemployment insurance coupled with those no longer looking for work, probably brings the figure closer to twenty percent of people in Chatham County now without jobs.

The question then is, who has to pay for bringing in sewer and water lines that will be brought to the building site or for the schools required to accommodate the new subdivisions with a starting price of 35 million dollars each.

The further question is why do we need this when there are thousands of homes foreclosed or on sale in Chatham County from McMansions to modest two bedroom homes already with existing infrastructure prepared for occupation with no expenditures from the taxpayer.

The work session agenda also wished to discuss the removal of buffers from our rivers, lakes and streams. These once beautiful resources already seriously impaired believed to be caused by overbuilding and due to lack of proper care. Any serious removal of buffers at this time not only has a potential further threat to our drinking water but utilizing more chemicals like chlorine and ammonia to alleviate the pollution is deleterious to the health of our children but life threatening to those with heart or kidney problems plus it is suspect in the rise in cancer. Filters, though helpful, are limited in their ability to counter these serious problems. I urge you in the interest of promoting the health and welfare of our families and yours not to proceed with thus very hazardous venture. Thank you."

Rosemarie Rovito, McKinney-Vento Liaison for Chatham County Schools, stated that McKinney Homeless Assistance Act identifies children that are considered homeless through the federal government. This means children who lack a fixed-regular or adequate night time residence, children and youth who are sharing the housing of persons due to loss of housing or economic hardship. It includes unaccompanied youth which are young people who have run away from home, been thrown out of their homes, or have been abandoned by their parents or guardians. Last year, Chatham County identified 672 of these students. The year before, the number was at 562 so they see that it is rising. Throughout North Carolina last year, there were 25,392 students who were identified as McKinney Vento Students. She stated that she was asked to come before the Board to explain what McKinney Vento is and the difference between their definition of homelessness and HUDS definition.

Faythe Canson Clark, 314 Trinity Street, Siler City, NC and Director of Family Promise of Chatham County, stated that as she understands it, the Board may have received the fact sheet that she had put together in terms of funding and raising awareness for homeless in Chatham County. She thanked Ms. Rovito stating that she has been instrumental in bringing forth some of the only statistics that are available in Chatham County other than the "Point in Time Count". As you can see by what she has reported, homelessness in Chatham County is an issue. She stated that she has talked to a lot of people who do not think there is a homeless problem in the County. Homelessness looks different in a rural community. Often times, it means that somebody is living in their car. She stated that she personally receives calls each week to try to find placement for homeless individuals, homeless youth, and homeless families. She reviewed the "Point in Time" (PIT) count stating that the reason they know these are homeless individuals is because they are housed at the Family Violence and Rape Crisis Center which is the only place they know to go and count homeless. They also know that there are people in the street, but the "Point in Time" count has not been efficient in identifying those people. She stated that she participated in the count last year. She rode around in a police car while he shined his light on the open fields and they saw no one who was homeless. Homeless people do not run up to a police car and state that they are homeless. She prepared the statistics, in terms of poverty and what really is happening in Chatham County. She used Townsends or Omnitron as her examples. Based on weekly average salaries, they are far below what it takes to be able to have 30% set aside for their housing costs. If one looks at the statistics, 29% of owners with mortgages, 17% of owners without mortgages, and 49% renters are not making the level of income that will support them. When they ask what creates homelessness, that's what creates it. The other part is that there is no affordable housing, and affordable housing for these folks is not a \$60,000 per year income. She stated that she hopes the Board has a little more information about homelessness in Chatham County and what causes it.

BOARD PRIORITIES:

Public Hearing:

Capital Improvements Plan: Public hearing to receive public comments on the proposed seven-year Capital Improvements Plan (CIP) for 2013-19

Renee Paschal, Assistant County Manager, explained that each year, Commissioners receive a recommendation from the County Manager on the County's Capital Plan (CIP). Today, staff is presenting the Recommended FY 2013-2019 plan. Two years ago, Commissioners decided to hold a public hearing on the Capital Improvements Program. The document will be available online and in each of the County's libraries for public review.

Ms. Paschal presented a PowerPoint on the 2013-2019 Recommended Capital Improvements Program (CIP) as was presented at the November 07, 2011 Board of Commissioners' Work Session.

The Chairman opened the floor for public comments.

Jeffrey Starkweather, 590 Old Goldston Road, Pittsboro, NC, thanked the County Manager for recommending funding for the northeast high school stating that he feels this is an important step that the County needs to make for economic development and for cutting down on the drives that people have to make to get to Northwood High School. He stated that his children went to Northwood High School and that he has two grandchildren that will someday be attending the northeast school. Northwood had an expansion and a pod put in. They have enough space now on a temporary basis to accommodate twelve hundred students. The research he has seen on school effectiveness usually says that the ideal high school is between eight hundred and one thousand but might be stretched to twelve hundred. If there is any way that expanding Northwood High School on a permanent basis, would delay the new northeast high school, then he would be opposed to it stating that we have a temporary solution now and he feels we need to move to be funding the northeast high school. He asked the Board to remember the North Chatham School had trailers for probably a decade with which they had to deal. He doesn't think having a pod at Northwood is a tremendous short-term deficit for that school. He also said that an interesting thing happened this year at the high school with their expanded enrollment. They started getting a number of students from charter and private schools in part because Northwood has developed such a reputation as a quality school. He stated that he thinks it would be a mistake to permanently take Northwood up to twelve hundred students when we need to be balancing the two schools.

Andrew Brogan, 115 Painted Turtle Lane, Cary, NC, stated that he is also glad to see that the northeast high school is scheduled to be funded. He stated that he sent an earlier email looking at the census data and projecting forward. He read some of the data from that email stating that it shows that a northeast high school is definitely needed. He offered to review the data individually or collectively with the Board if asked.

The Chairman closed the public hearing.

PLANNING AND ZONING

Subdivision Regulations Variance: Request by Ricky Spoon for a variance from the Subdivision Regulations, Section 7.4 B (3) to allow a fifth (5th) lot on a private perpetual easement within Henry's Ridge Subdivision, specifically for Lot 8, Parcel #83686, to be allowed to use Henry's Watch Lane for access to Henry's Ridge Road versus constructing a separate driveway

Jason Sullivan, Chatham County Planning Director, explained that Lot 8 was created when Henry's Ridge, Phase 1 (Lots 6—40), was approved by the Board of County Commissioners as a major subdivision in 2006. On June 7, 2010, staff approved a minor subdivision for the applicant consisting of five (5) lots, Lots 41—45. Lots 41-44 are served

by a private, perpetual easement off a public road, Henry's Ridge Road, and Lot 45 has direct frontage on Mt. Gilead Road, SR #1700. Mr. Spoon obtained a commercial driveway permit from NCDOT for the private easement connection to the public road, Henry's Ridge Road. Staff has spoken with Jennifer Britt, with NCDOT in Asheboro, and confirmed that the addition of one lot to the easement will not require another review or permit from NCDOT. The minor subdivision plat is recorded in Plat Slide 2010, Page 133. As shown on Plat Slide, 2006-142 and 2010-133, Lot 8 was proposed to have its own individual driveway out to Henry's Ridge Road. When the minor subdivision was approved in 2010, the survey map included a revision of lot lines to existing Lots 8 & 9 to accommodate the new perpetual easement serving Lots 41 - 44. The applicant has made a request to NCDOT for road maintenance of Henry's Ridge Road. The road has not yet been accepted by NCDOT for maintenance. The initial and repair area for Lot 8 is off-site and is located on the adjacent Lot 41. This request will not affect the septic area.

The request before the Board now is to allow Lot 8 to use Henry's Watch Lane, paved private easement, for access instead of constructing a separate driveway out to the public road. Aesthetically and for safety reasons, limiting driveway connections onto the public road may be a better situation; however, the Subdivision Regulations only allows four (4) lots to be served by a private easement without a variance request being granted or the roadway being upgraded to a higher standard. Per the Regulations, a private roadway that serves more than four lots would have to be reviewed as a major subdivision, and the road would be required to meet the County private road standards which includes a 60 foot wide right-of-way, a 16' wide travel-way with four inches of crush and run stone, 4' wide shoulders, a road maintenance agreement, etc. and would require a three (3) acre minimum with a five (5) acre average lot size, or the road would have to be upgraded to a public road and meet NCDOT standards.

In order for a variance request to be granted, the applicant must be able to meet the four findings as required in Section 1.13. This section states in part "Where the Planning Board finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may recommend variances to these subdivision regulation to the Board of County Commissioners......" The applicant has addressed the findings in his application. Section 1.13 B, Conditions, states "In approving variances, the Board of Commissioners may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of these regulations." Board is inclined to grant the variance, staff recommends the following: (1) that the five lots served by the private easement have a recorded road maintenance agreement to meet the standards set out in Section 7.2 D [2], (2) that a deed restriction be placed on Lot 8 stating that the access to Lot 8 is by Henry's Watch Lane only and that no additional driveway is allowed to be constructed within the flag portion of Lot 8 out to Henry's Ridge Road, (3) that a building permit for Lot 8 not be issued until the road maintenance agreement and deed restriction have been recorded with the Office of the Register of Deeds.

Letters were mailed out to notify the adjacent property owners of the requested variance. Staff has heard from the owners of Lots 7 and 9. Both owners are in favor of the variance request. The only concern expressed was that if the flag portion of Lot 8 was not to be used for a driveway, that it be maintained by the lot owner. Mr. Spoon is aware of this concern.

The Planning Board discussed the issue. Mr. Spoon was at the meeting to answer questions. The owners of Lot 7, Mr. and Mrs. Henry Gordon, attended the meeting and stated that they were in favor of the variance and thought that if an additional driveway were constructed between Lot 9's driveway and Henry's Watch Lane, that it would be a safety hazard. The Board asked Mr. Spoon if he would be willing to deed the flag portion of Lot 8 to the adjoining Lot 9. Mr. Spoon said he would as long as Lot 8 would still retain the required amount of useable lot area of 1.50 acres and if the owners of Lot 9 were agreeable.

The Planning Department does not think the four findings have been met and does not recommend approval of the variance request based on not meeting the findings of fact. If the Planning Board recommended granting approval of the variance request, staff recommended the following conditions:

- 1. The five lots served by the private easement have a road maintenance agreement to meet the standards set out in Section 7.2 D (2) of the Subdivision Regulations, and that staff review and approved said agreement prior to recordation.
- 2. A deed restriction shall be placed on Lot 8 stating that the access to Lot 8 is by Henry's Watch Lane only and that no additional driveway is allowed to be constructed within the flag portion of Lot 8 out to Henry's Ridge Road.

A building permit for Lot 8 not be issued until the road maintenance agreement and deed restriction have been recorded with the Office of the Register of Deeds.

The Planning Board, by unanimous vote, voted to approved the variance request with the addition of the following condition:

3. The 30' strip be recombined with Lot 9 as long as Lot 8 retains the required amount of useable area of 1.50 acres and if the owners of Lot 9 are agreeable. If the owners of Lot 9 are not agreeable, the issue shall be reviewed again by the Planning Board.

The Planning Department recommends revised language for condition # 4 as follows:

4. The 30' strip be recombined with Lot 9 as long as Lot 8 retains the required amount of useable area of 1.50 acres and if the owners of Lot 9 are agreeable. If the owners of Lot 9 are not agreeable, then Condition # 2 shall apply or other such measures that will insure that an additional driveway is not constructed within the flag portion of Lot 8.

The Planning Department also recommends that Condition # 3 above, be revised to read as follows and that Conditions 1 & 2 remain:

3. A building permit for Lot 8 not be issued until the road maintenance agreement and deed restriction or other such measures that will insure that an additional driveway is not constructed within the flag portion of Lot 8 have been recorded with the Office of the Register of Deeds.

Commissioner Kost asked if the original request was that Lot 8 was going to have the driveway on the little strip going to Henry's Ridge Road; that then when the minor subdivision was put in, (Lots 41, 42, 43, 44, 45), if it would have restricted Lot 8 from going on to Henry's Watch Lane; and that if he wants his variance so that the driveway will not be as long, why is he asking for this.

Mr. Sullivan stated that he thought he had a perspective purchaser that would rather have a shorter driveway to tie into Henry's Watch Lane.

After further discussion, Commissioner Cross moved, seconded by Commissioner Petty, to approve the Planning Department recommendation with the revised conditions #3 and #4. The motion carried five (5) to zero (0).

Public Hearings:

Legislative Requests:

Jeffrey House Rezoning Request: Public hearing to receive public comments for a request by Cindy Perry, Attorney, on behalf of Jeffrey House dba Jordan Dam RV Park, for a conditional use rezoning on 1.435 acres from R-1 Residential to Conditional Use B-1 Business, Parcel #88475, located at off Moncure School Road, Haw River Township, to add to the existing campground property for an expansion

Mr. Sullivan explained the specifics of the request.

Cindy Perry, Attorney representing Jeffrey House, 259 Hillsboro Street, Pittsboro, NC, stated that the request is legislative in nature and is the rezoning of the tract of land. It is approximately 1½ acres and is adjacent to the existing RV park which the House Family operates. It is logical, she stated, that they set forth in their application to rezone the tract of land since it adjoins the ten-acre RV park which is currently a very successful business operated by the House Family for several years. The additional area was purchased by Mr. House from William Jeffries in an effort to expand the business use. She stated that they are advocating to the Board that this would not create any kind of impact as it is well off the Moncure School Road. She stated that a major portion of that tract has a pond which is attractively done and is going to add greatly to the aesthetics of the use within the area. She urged the Board to consider favorably the request for rezoning and move that their application be accepted as evidence in support thereof.

The Chairman opened the floor for public comments.

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

The Chairman closed the public hearing.

Hopper and Caldwell Rezoning Request: Public hearing to receive public comments for a request by Courtney Hopper and Dana Kadwell dba CandD Events, for a conditional use rezoning on 7.925 acres from R-1 Residential to Conditional Use Regional Business (CU-RB), Parcel #5802, located off Pea Ridge Road, Cape Fear Township

The Chairman opened the floor for public comments.

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

The Chairman closed the public hearing.

Quasi-Judicial Requests:

Jeffrey House Revision to CUP: Public hearing to receive public comments for a request by Cindy Perry, Attorney, on behalf of Jeffrey House dba Jordan Dam RV Park, for a revision to the existing conditional use permit on Parcel #11257, located at 284 Moncure School Road, Haw River Township, for an expansion to the existing campground area

The Chairman administered the oath for those present who wished to make public comments.

The Chairman opened the floor for public comments.

Cindy Perry, Attorney representing Jeffrey House, 259 Hillsboro Street, Pittsboro, NC, stated that simplicity of this request is obvious. She stressed that the forty-four units already approved for the ten acres is simply being spread out and more aesthetically pleasing through the 1½ acres which they have addressed. The lake has been the subject of a pier which will bring additional interest to the property. The pier has been structurally examined by an engineer and certified as properly constructed and the lake area is fully insured. She stated that they had been before the Appearance Commission who made some nice suggestions regarding additional plantings which they would like to see in the area and they have adjusted the plantings. She stated that she has a letter from the southern property owner whose land adjoins the House Property. The letter is attached hereto and by reference made a part hereof.

Ms. Perry stated that the House Family has done an outstanding job of creating an excellent business that also provides a very important key to the community. There are a number of industries in the RV park area that have "outages" which is the technical word for coming in and performing periodic maintenance. The RV park and the House Family are very important to the commercial community and to boost the income of the local area which is desperately needed. The RV park is consistently full and this opportunity will give the House Family an opportunity to spread their good work across a little more acreage.

She presented the Clerk to the Board the letter referenced above.

Ken Jeffries, 140 Moncure School Road, Moncure, NC, stated that he watched the House Family develop their property stating that they do good work, lay it out well, and perform good maintenance to take care of the environment. He stated that he has been pleased with what they have done and endorsed the project stating that it will be an asset to Moncure and that they also plan to add more trees to make it even more attractive.

The Chairman closed the public hearing.

Hopper and Caldwell CUP Request: Public hearing to receive public comments for a request by Courtney Hopper and Dana Kadwell dba CandD Events, for a conditional use permit for bed and breakfast inns as defined in Section 10.13, also banquets, conventions, and other similar events (i.e. weddings, reunions, etc.) on Parcel #5802, on 7.925 acres, located off Pea Ridge Road, Cape Fear Township

Mr. Sullivan reviewed the specifics of the request.

The Chairman opened the floor for public comments.

Dana Kadwell, 3200 Shopton Drive, Apex, NC, stated that Courtney Hopper and she are wedding planners in the Triangle Area. They have been in business for approximately six years. In the process of planning weddings, they saw a need for an affordable wedding facility that could house an average sized wedding (100-150 people) with both indoor and outdoor space. Although weddings will be their main focus, they want the venue to be a community resource where businesses can host conferences, meetings, and parties. They plan to have AV equipment set up in the ballroom.

Courtney Hopper, 63 Harper's Island Drive, Garner, NC, explained that for the bed and breakfast part of their vision, the bride and their families will have more of a wedding weekend as opposed to a wedding day; a place where they can relax and enjoy their time together; and they plan to also rent rooms out to tourists, the public, and people vacationing in the area. One of their main goals is to integrate themselves into the Chatham Community. Among those with which they work is the General Store as a caterer. They would love to recommend, use, and contract out local businesses.

The Chairman closed the public hearing.

Markus Wilhelm - Revision to CUP: Public hearing to receive public comments on a request by Markus Wilhelm dba Strata Solar, for a revision to an existing conditional use

permit on Parcel #76255, located at 2835 Farrington Point Road, on approximately 14.15 acres, formerly the Sandhills Grading Company, to add an additional use for a public utility as a 1.1 MW solar farm

Mr. Sullivan explained the specifics of the request.

The Chairman opened the floor for public comments.

John Morrison, 1119 15-501 Highway South, Chapel Hill, NC, chief-operating officer for Strata Solar, explained that this is a plan for a solar farm which has come about as a result of a request for proposals for Progress Energy to install solar in their service territory. He stated that they were fortunate to win the bid to build the solar farm. He stated that this would be one of approximately half dozen they have built to date throughout the State. He stated that they believe it is an appropriate use and is the facility from which their crews operate.

Chairman Bock asked if it was now a cleared area. Mr. Morrison stated that there are a few trees along the drive running midway through it which will be cut, but by-and-large, the site is clear.

Commissioner Kost asked if the activities currently located in the rear can continue. Mr. Morrison replied yes, that their warehouse facility is there where they store panels, equipment, and vehicles.

The Chairman closed the public hearing.

MANAGER'S REPORTS

The County Manager reported on the following:

Historic Courthouse Work:

The County Manager stated that the work on the interior of the Historic Chatham County Courthouse began today, will be continuing, and hopefully will be completed and ready for dedication next year at this time.

COMMISSIONERS' REPORTS

There were no Commissioners' reports.

ADJOURNMENT

Commissioner Cross moved, seconded by Commissioner Stewart, to adjourn the meeting. The motion carried four (4) to zero (0), and the meeting adjourned at 6:58 PM.

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	Brian Bock, Chairman
ATTEST:	
ATTEST.	
Sandra B. Sublett, CMC, NCCCC, Clerk to the Board	
Chatham County Board of Commissioners	
Chamber County 2011 of Commissioners	