

**MINUTES**  
**CHATHAM COUNTY BOARD OF COMMISSIONERS**  
**REGULAR MEETING**  
**SEPTEMBER 15, 2003**

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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 September 15, 2003.

Present: Chairman Tommy Emerson; Vice Chair Carl Outz; Commissioners Margaret Pollard, Bob Atwater, and Bunkey Morgan; County Manager, Charlie Horne; County Attorney, Robert L. Gunn; Finance Officer, Vicki McConnell; and Clerk to the Board, Sandra B. Sublett

The meeting was called to order by the Chairman at 6:15 PM.

**PLEDGE OF ALLEGIANCE AND INVOCATION**

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

**AGENDA**

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

Commissioner Outz moved, seconded by Commissioner Pollard, to approve the Agenda. The motion carried five (5) to zero (0).

**CONSENT AGENDA**

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

Commissioner Morgan asked that Item #2, Consideration of a request for approval of tax releases, be removed from the Consent Agenda and placed on the Regular Agenda for further discussion.

Commissioner Pollard moved, seconded by Commissioner Outz, to approve the Consent Agenda with the noted request.

1. **Minutes:** Consideration of a request for approval of Board Minutes for Regular Meeting held September 02, 2003 and Work Session held September 02, 2003

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

2. ~~**Tax Releases:** Consideration of a request for approval of tax releases~~

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

3. **Refunds on Regular Tax Bills:** Consideration of a request to approve refunds on regular tax bills paid in error, attached hereto and by reference made a part hereof.

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

4. **Funds Acceptance for Horton School-Based Health Center:** Consideration of a request to accept funds in the amount of \$30,000 for the Health Department's Horton School-Based Health Center; and Consideration of a request to utilize the \$30,000 to increase a .5 Processing Assistant IV position to 1.0 FTE, effective October, 2003

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

5. **Funds Acceptance for Immunization Registry Activities and Public Preparedness Funds:** Consideration of a request to accept funds in the amount of \$20,000 for Immunization Registry Activities and \$21,348 in Public Preparedness Funds from the State for the Health Department; and Consideration of a request to approve the reclassification of an Office Assistant III .5 position to 1.0 Information Processing Assistant II position within the Health Department utilizing the additional \$41,348

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

6. **Debt Write-Off for Health Department:** Consideration of a request to approve a debt write-off for the Health Department, attached hereto and by reference made a part hereof.

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

7. **Authorization of Sale of Property by Public Auction:** Consideration of a request to adopt **Resolution #2003-32B Declaring Property Surplus and Authorizing the Sale of Said Property by Public Auction**, attached hereto and by reference made a part hereof.

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

8. **Preliminary Approval of "Colvard Farms, Phase IV":** Consideration of a request by Jeff Hunter on behalf of Colvard Farms Development Company, LLC for preliminary approval of **"Colvard Farms, Phase IV"**, consisting of eight (8) lots on approximately 12 acres in Williams Township

As per the Planning Department and Planning Board recommendation, preliminary approval of Phase IV was granted as submitted with the following condition:

1. Construction shall not commence until the revised Erosion Control Permit is issued by the NCDENR.

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

9. **Final Subdivision Approval of "Bobcat Point Subdivision, Phase III, Lots 84-88":** Consideration of a request by Ricky Spoon for final subdivision approval of **"Bobcat Point Subdivision, Phase III, Lots 84-88"**, consisting of five (5) lots on approximately 17 acres, off SR #1558 (Henderson Tanyard Road), Hadley Township

As per the Planning Department and Planning Board recommendation, final approval of the plat was granted with the following condition:

1. The plat not be recorded until the financial guarantee has been approved by the County Attorney.

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

10. **Sketch, Preliminary, and Final Approval of "Survey for Mark J. Brigham and Angela F. Brigham":** Consideration of a request by Mark Brigham for sketch, preliminary, and final approval of "**Survey for Mark J. Brigham and Angela F. Brigham**", consisting of two (2) lots on approximately 11 acres, off SR #1006 (Siler City – Glendon Road), Bear Creek Township

As per the Planning Department and Planning Board recommendation, sketch, preliminary, and final approval of the plat was granted with the following condition:\

1. No additional subdivision lots may be created for a period of twenty-four (24) months from the date of approval by the Chatham County Board of Commissioners.

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

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

#### **RESOLUTION TO OPPOSE ANNEXATION BY TOWN OF CARY**

The Chairman asked to see a show of hands from those in attendance who were at the meeting to voice opposition to the proposed annexation of Chatham County lands by the Town of Cary. He read the prepared resolution.

**Resolution to Adamantly Oppose Any Further Annexation by the Town of Cary:** Consideration of a request to adopt **Resolution to Adamantly Oppose Any Further Annexation by the Town of Cary**

Commissioner Atwater moved, seconded by Commissioner Pollard, to adopt **Resolution #2003-32C to Adamantly Oppose Any Further Annexation by the Town of Cary.**

**Lance Copeland**, voiced concern that since Cary had tried to annex parts of Durham and Durham had stopped it, that Chatham County do the same.

**Larry Ballas**, 139 Indian Creek Lane, stated that if anyone dislikes Cary that it is he; that they have been working with Cary in small groups; that the resolution and follow-up will help a lot; that the City of Durham negotiated with Cary and that the City of Durham is interested in annexing up to the Chatham County line; that Forrest Oaks does have park land in Chatham County which; he hopes people will attend the Cary meeting on October 23rd of the city council; that Cary is seriously considering what to do with Chatham County land; that they have a meeting on September 25th on how to develop that particular area of Chatham County from the Cary point of view; that Cary has a plan from 1996 indicating what they want to do in that area; that they want to go to a less dense area; that the problem Cary is having is multifold; that 1) people want to sell their land and be annexed into Cary so Cary requires that if a zoning change is requested, one must be annexed; that if anyone is concerned about Cary annexation, they should keep their land and not sell it; that he feels it is very important to have good representation at the September 25th meeting to

represent Chatham County; that Chatham County citizens want it developed their way not Cary's way; that the Board of Commissioners can help with what they have been doing and continue to do it from a legal point of view and push the Legislature; that he doesn't think its fair for any city to come across county lines; and that he is especially upset about Cary coming across county lines because he does not like Cary.

Commissioner Morgan stated that it was his understanding that Cary has a target date of having the plan ready by Christmas and with anticipated approval in April, 2004.

**Hubert Oakley**; stated that one thing needed is to talk with the County's Legislators; that when Ed Holmes ran and talked with the Institute of Government at Chapel Hill, he found that the only way that anyone could cross the line was to get a bill passed by the legislature; and that they could not zone further than the city line; and that it has since been changed.

**Dina Hurst**, stated that she has a friend who lives in Green Level Community who has been fighting Cary for years; that Cary has been trying to put a sewage plant in Green Level; and that she is concerned that they are now going to place it in her area.

**Page Moody**, stated that she lives on Fearington Road across from Bells Baptist Church; that she speaks for majority in her area who are unclear as to how the process works. She asked if there was any way to stop this or if it is a "done deal".

**Spencer Barnes**, stated that everyone is mislabeling Cary; that people are under impression that they are the "State of Cary"; that the only way that the people can fight this is for Chatham County Commissioners to be aggressive as Cary is very aggressive; that they have to organize well, speak well, be loud, and be a genuine "pain in the fanny"; that Cary is like a cancer; and that if Chatham is not aggressive, Cary will annex.

**Sue Lloyd**, stated that the annexation of Green Level was 2 ½ years ago. She asked if this had not been in the back of the Board's minds and if they had not heard anything about the annexation or if it rolled over everyone's head. She stated that it had happened before; that these people lost huge agricultural areas to Jordan Lake years ago; that they are looking at people in the area now that are 92 plus years old. She asked how they were going to be able to afford the tax base that will come in if Cary annexes. She stated that everyone is now sitting back, unconcerned, thinking that Cary will not try this again.

An unidentified person stated that people are disappointed in the leadership of the County stating that the Board knew three-four years ago that this was in the making; that he gave each Commissioner a copy of Cary's plan that he got on the internet three-four years ago; that no one can say that they didn't know anything about it; that the people want to know why the Commissioners did not consider this issue important enough in their lives to bring it up long ago and ask what they wanted to do about it and to help them legally, show them the way; that no one wants Cary to come in and tell them what they have to do; that when Cary comes in it tells everyone that the people of Chatham County are so ignorant that they cannot govern themselves, that they cannot get contractors to build on the property that they already own, and that they have to have another city to come in and tell them how to do it; that he hopes that the Board will stick with them because they are not through.

An unidentified person stated that people have to remember that in eastern Chatham County Highway #540 is going to be built soon; that it will bring a lot of traffic to eastern Chatham County; that what the Commissioners need to be aware of, and what people need to do, is realize that there is going to be uncontrolled growth there because of the roads; that Cary is trying to come up with a plan to keep the area low growth; and that Chatham citizens need to come up with their own plan of what they want to do.

An unidentified person stated that the government took part of his land to build the lake; that the lake

has always been a pain; that the thing that most concerns them is that they may have to sell their property because they cannot afford to pay the taxes on it.

**Dick Thomas**, stated that people need to talk with their legislators to stop Cary.

**Todd Horton**, stated that he assumes political action committees have a lot of clout. He asked if there were any political action committees that could fight for them.

The Chairman called for a vote on the resolution. The motion carried five (5) to zero (0). The resolution is attached hereto and by reference made a part hereof.

### **CHATHAM COUNTY VOLUNTEER RECOGNITION**

**Chatham County Volunteer Recognition Awards:** Consideration of a request to recognize Chatham County volunteers for outstanding service

Chairman Emerson read each volunteer's activities summary and presented each recipient with a certificate of appreciation from the Board of Commissioners as follows:

**Lawrence Barrus:** Lawrence is a Carolina Meadows resident who for the last five years has recruited and coordinated volunteers in the Meadows Assistance Program, a program that has matched 120 volunteers with residents who have practical, short-term special needs such as transportation to medical appointments. He formerly lived in Fearington Village where he also improved the quality of life by helping to develop several volunteer initiatives, including Home Care Connection, in which volunteers are matched with neighbors who needed temporary assistance in their home.

**Cathy Bollinger:** Cathy is a gardening enthusiast from Pittsboro who shared her knowledge and talents to establish a therapeutic community garden and improve landscaping areas at Family Wellness and Recovery Services over the past year. Her dedication to establishing this project, recruiting other volunteers, and patiently encouraging client participation has inspired the agency's residents and their children to discover their own green thumbs.

**Edith Calhoun:** Edith has volunteered with the Friends of the Pittsboro Memorial Library for over ten years in leadership roles including Treasurer and Secretary, and "going the full nine yards" to help with special projects. Currently she is serving a five-year term as a County Library Board Trustee, a volunteer role that allows her to help ensure strong public library services for all Chatham residents. Edith is a Pittsboro resident who enjoys genealogy and volunteers with the Chatham County Historical Society.

**Jerry Campbell:** Jerry is a resident of Goldston who generously gives of his time and energy to many different organizations and special projects, including the J.S. Waters Elementary School and PTA, the Goldston Library Project, Chatham County Together!, the Council on Aging Meals on Wheels program, and many extremely successful fundraisers. Through his leadership over the years, many adults and youth have benefited from new resources, and many other volunteers have been inspired to become involved in collaborative efforts to address community needs.

**Rae Combs:** Rae is a Pittsboro resident and volunteer for the past four years for Family Violence and Rape Crisis Services. For the last two years, she has personally provided supportive and educational childcare services for families participating in weekly support group meetings. Her dedication to consistently providing free, high quality child care and her ability to foster positive, long-term relationships with children affected by domestic violence, have erased barriers that prevent many mothers from receiving the help they

need.

**Janet S. Dyer:** Janet is a Siler City resident who has volunteered for the last four years with the Guardian Ad Litem Program in which she has advocated for the needs of forty-five Chatham County children involved in abuse and neglect court cases. She monitors each case, provides consistent support to these children, and gives them a stronger voice in court. Janet's skilled input assists social workers and other professionals to serve these children's best interests. She also volunteers with youth as a Girl Scout troop leader and tutor in Silk Hope School.

**Doris Flexner:** Doris has volunteered her administrative and editorial skills with the Friends of the Pittsboro Memorial Library for eleven years. She developed a strong membership system and newsletter that currently serve more than four hundred members of this educational organization. Doris also volunteers as a Crisis Line Counselor with Family Violence and Rape Crisis Services, as a Board Member for the Chatham County Historical Society, and as Chairman for the Weathersfield Board, a Fearington Village service group.

**Bob Gabor:** Bob is a Pittsboro resident who is being recognized for his extensive involvement with Chatham Habitat for Humanity over the past ten years as Board Treasurer, Home Store Committee Chair, and most recently for his direct involvement to procure property and financing for the new Chatham Habitat for Humanity Home Store and office facility in Pittsboro. His full-time investment of energy and professional expertise to supervise the construction project significantly reduced project costs and encouraged the involvement of new contractor volunteers for the organization. Bob is also a long-time volunteer mentor with Chatham County Together! for which he received the Governor's Award for Outstanding Volunteer Service with his wife, Sandy, in 2000.

**Anne Granath:** Anne is a Pittsboro resident who over the last five years has served in many roles with the Friends of the Pittsboro Memorial Library, including President, Programs Chair, and Art Chairman. Her enthusiastic leadership has yielded new programs and increased participation of new members and young people. Anne also commits volunteer time to organizations that address health issues at the local level, including HIV Aids and the Coalition for Adolescent Health.

**John Havel:** John is a professional graphic artist and Siler City resident who has volunteered with St. Julia Tutoring and Literacy Center for over two years, serving as Secretary of the Board and helping out this young program in many ways. Each week John volunteers between ten to thirty hours, assisting the Director and other volunteers to develop this after-school educational program by setting up and maintaining computers for the students, tutoring and mentoring students directly, designing and producing the program's newsletter and publications, helping out with fundraisers, and taking a strong leadership role on its Board as they actively seek out ways to develop this organization's capacity to serve even more youth during out-of-school hours.

**Rev. Mary Jackson:** Rev. Jackson lives in Siler City and has volunteered for over ten years with the Chatham County Public Health Department to develop grassroots health education programs. Her vision and leadership has contributed to the training and outreach of lay health advisors and preachers on many health issues including breast and cervical cancer through many programs, including My Sister's Keeper and the Ministry of Health, a multi-county initiative. Rev. Jackson has also volunteered for the past seven years with the We Care program, mentoring adolescent girls to develop their self-esteem.

**Nancy Kinney:** Nancy is a Fearington Village resident who has served for twelve years as a Direct Patient Care Volunteer with UNC Hospice. To date she has used her nursing skills to provide more than 400 hours of assistance to terminally ill patients and their families through home visits and phone calls, practical assistance with transportation daily living activities, and bereavement support. Nancy also volunteers in

Chatham County with the Chatham County Health Department's Madre A Madre program and the HIV AIDS Council.

**Glendora Rives:** Glendora lives in Bear Creek and for more than ten years she has volunteered at the Garden Place, the Family Violence and Rape Crisis Services shelter for women and children. Since the shelter opened in 1993, she has dedicated at least four hours per week to assisting staff with administrative tasks and interacting in a supportive way with clients. Glendora's faithful commitment over the years to keep shelter operations running smoothly has positively touched the lives of many women and children struggling to overcome domestic violence.

**Mary Simpson:** Mary is a Pittsboro resident who has provided outstanding service to the Chatham County Arts Council as a Volunteer Office Manager, Volunteer Coordinator, Special Events Coordinator, and Board Member. During the past year, she has devoted her exceptional leadership and administrative skills for at least twenty hours a week to strengthen the Arts Council's operations and fundraising capacity. Mary also devotes time to serving as a Chatham County Together! mentor with two young girls.

**Wilma Thompson:** Wilma is a Goldston resident who has faithfully volunteered with the Council on Aging for twenty hours per week for the last eight years. On a daily basis she assists with meals and group programs at the Western Chatham Senior Center in Siler City, providing friendly support and practical assistance to staff and senior participants. Wilma's enthusiasm contributes to the Center's positive atmosphere and helps newcomers and regular participants to feel welcome and involved in activities.

**Thelma Turner:** Thelma lives in Goldston and has volunteered with several Chatham County Health Department health promotion programs such as Living In God's Holy Temple (LIGHT) Way and the Community Diabetes Advocacy Program to bring information about health issues to her neighbors and to help the Health Department find new ways to serve community needs. Thelma is a retired Home Economics teacher who continues to be extremely active in many community groups including the Chatham County Board of Education, 4-H, JS Waters Elementary School, and Head Start.

**Betty Wilson:** Betty is a Pittsboro resident who has shared her time and talents with many Chatham County organizations, including serving as a Board Member for the Chatham Housing Authority, the Council on Aging, Healthy Chatham, OPC Mental Health, United Chamber of Commerce, and the United Way. This year she is being recognized for her outstanding volunteer leadership on behalf of the Chatham County Education Foundation. In addition to serving as its past President, this year she volunteered to handle numerous Executive Director responsibilities during a period of organizational restructuring. Betty demonstrated exceptional dedication to personally continuing the organization's advocacy and funding work in support of quality public education for Chatham County's children.

## **PUBLIC INPUT SESSION**

**Mary Shober**, asked that the proposed revision to the Chatham County Zoning Ordinance – home occupations not be approved for a residential subdivision. She stated that the nature of the businesses listed for this type of home occupation should not be in a residential subdivision. She asked that restrictions be placed on the home occupations

**Jay McDaniel**, 1031 Bernard Purvis Road, Bennett, NC, stated that something needs to be done at the junction of Jerry Frye Road (SR #1164) and Bernard Purvis Road (SR #1151); that since 1985, an estimated fifteen accidents have occurred; that since 2000, three have occurred with all vehicles being totaled and one death, multiple injuries and serious crashes involving millions of dollars in damage; that his own family became a victim in 1989 when a truck ran the stop sign and turned over 200 feet after striking them; that the

last accident was the result of a speeding vehicle which hit an elderly Pittsboro man and pushed him 175 feet past the intersection; that he had a heart attack and died after the accident. He requested that the Board approach NCDOT to request two additional stop signs. He presented petitions requesting help to make safety changes to make the intersection safer.

**Loriann Brady** stated that with the changes the DOT has made with the white lines and making the stop signs higher, she has been through the intersection and nearly been hit twice since the change. She urged the Board to help with their request.

## **PLANNING AND ZONING**

### ***Public Hearing:***

**Public Hearing for B-1 Conditional Use Business District with Conditional Use Permit at Highway #15-501 and Lystra Road:** Public hearing to receive public comments on a request by Lat Purser & Associates, Inc. for a B-1 Conditional Use Business District with a Conditional Use Permit for the following uses: banks, drug stores, retail food stores; professional and business office use and retail stores and personal service shops similar to those listed in the Chatham County Zoning Ordinance dealing in direct consumer and personal services, located on approximately 28 acres on Highway #15-501 at the southeast quadrant of the intersection with Lystra Road (SR #1721) in Williams Township

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

**Lat Purser**, 4530 Park Road, Suite 300, Charlotte, NC, applicant, stated that he has been doing this type of work for the last thirty years originally developing strip shopping centers which they have veered away from during the last five-sevens years; that they are now developing more multiple buildings, mixed-use projects; that so much more can be done architecturally this way; that they are more human in scale which allows them to be more timeless; that they have the opportunity to incorporated pedestrian orientation as opposed to developing a long linear foot strip; that the architecture is much more friendly; that they are not power-center developers; that the parcel is located at the intersection of Lystra Road (SR #1721) and US Highway #15-501 southeast quadrant; that it consists roughly of twenty-eight acres; that the site is currently undeveloped with the exception of an older residential structure which is no longer occupied; that the increased emphasis on Highway #15-501 as the primary north-south corridor through Chatham County encourages commercial development; that the Lystra Road intersection represents a desirable location for retail/office/public service amenities since it is a primary access to the residential developments east of Highway #15-501, as well as the existing North Chatham Middle School and the proposed high school for which land has been purchased at the Jack Bennett intersection with Lystra; that since they have gotten involved with the landowner, he has expressed an interest in staying involved in the deal; that this way they will have a vested interest; that they also own more than forty acres across the road; that their involvement is helpful in seeing that the project is done in a way they will be proud of as they continue to live there; that early in the process, Harris Teeter came to them after which they had determined that a facility at this location would meet definite un-addressed grocery needs in the North Chatham trade area; that the rule of thumb is that 3,000 households or a population of 8,000 people will support a full-service grocery facility; that they stated that they wanted to be on the east side of the road which will not add to the traffic on Highway #15-501 since most people live there; that they have done the soil testing, topos, surveys, water quality already presented to the County; that they are working with the State to ensure that the soils are adaptable for this project; that if not, the project will not be done; that traffic impact analysis were performed to determine potential traffic impacts; that proper lanes have been planned for uninterrupted traffic; that they are not a one-design building where everything is the same color and style; that they try to incorporate the heritage of the community; that with the smaller buildings, it becomes more of a village-like lighting; that it is important

to design buildings to encourage people to shop the businesses located there; that heights are important as they give good interest; that they hope to incorporate some one and two stories in the height; that they think good landscaping adds value and appeal to the shopper and user; and that a strong recommendation for a positive consideration of this project is the increased revenues which it will represent for Chatham County; that as the tract now lies, it generates a little over \$2,000 in real estate taxes annually; that even without considering the impact of sales tax returns on between \$15,000,000 and \$20,000,000 annually in Phase I sales, the initial build-out of the project will represent over \$56,500 in property taxes for the County each year; and that he appreciates the opportunity to submit the proposal for consideration.

**Chris Brown**, 106 S. Peak Carrboro, NC, stated that he works at the Video Booth in Chatham Crossing Shopping Center; that his reservation is that when two of the same types of businesses are placed in the same location, one will lose a lot of business; that he doesn't feel that it will add to the tax base, rather it will just spread it out over more sites; and that it will spoil another corner in Chatham County.

**Mary Bastin**, 22 Benchmark, Pittsboro, NC, asked that the Board consider a commercial corner ordinance to guide development along any four-lane highway in the County. She stated that this ordinance would then place the County in a pro-active stance so that any request for commercial property could be considered under the blanket; that this could be defined in such a way that it would not preclude commercial development, but rather support the design of the development to come within the framework of the County's vision retaining the rural nature of the County; that the Chatham Downs request is a forerunner of what is to come; that she urges the Board to consider commercial development as they have considered compact communities development; that they believe by taking a stand today, that the Board of Commissioners could save the County considerable and prolonged debates on each project as it arises; that the Board is their representatives and they need them to protect Chatham County from uncontrolled growth and the sprawl they are seeing in the entire Triangle Area; that it would be prudent to put the Chatham Downs decision on hold until an ordinance has been developed for the commercial corridors of Chatham County.

**Daniel Addison**, 368 Boothe Hill Road, Chapel Hill, NC, stated that he does not believe that there is a need nor desire in the community for another retail shopping center; that the proposals notes that grocery stores, banks, and drug stores are easily accessible within city limits and the convenience diminishes as people move further and further out from the community center; that he thinks that the Board has to understand that the very reason the people have moved out of the city limits into this area in particular is to get away from having these types of retail establishments at their door steps; that the proposal talks of preserving the pastoral setting of the place with some architectural niceties, but the bottom line is that one can not mow down a pastoral landscape and replace it with buildings, lights, signs, and parking lots and preserve the pastoral setting; that another pastoral setting has already been converted at Chatham Crossing, less than one mile down the road; that there is already a grocery store, video store, banks, gas stations, restaurants, and a drug store, practically next door to this proposed location which duplicated similar retail services nearby; that there is no need for more of these at the same location; that when Chatham Crossing was built, businesses left Cole Park Plaza which, from all appearances, has floundered and doesn't seem to attract any viable or useful retail establishments; that allowing another retail shopping center seems to be the poorest land use imaginable; that it is clear that the only reason for Chatham Downs is to make some money for the land owners and perhaps to give Harris Teeter a chance to take business away from Chatham Crossing and in turn to leave another ghost shopping center to remain as a useless slab of concrete in another former pastoral setting; that as a resident along Lystra Road, he feels that he speaks for others in saying that they are tired of being hemmed in by more and more traffic, noise, and ugliness of facilities that are proposed in the name of convenience; that shopping centers are not welcomed with the attitude "more the merrier"; and that they do not need any more in the area. He urged the Board in the strongest terms to reject the proposal.

**Kathryn Conway**, 187 Running Cedar Lane, Chapel Hill, NC, stated that she had lived at this place

for twenty years, enjoying the privacy and quality of life that living in Chatham County has afforded her; that she enjoys the convenience of having the grocery store one-mile up the road; that she doesn't want a grocery store any closer than that; that unfortunately, the proposed Chatham Downs shopping center would place one at her back door; that although the plan for the proposed development says that the adjoining land is undeveloped, her land is located in the upper corner of the map; that she doesn't know why it is on the proposed diagram for Chatham Downs; that it is one of her concerns; that she wonders if her parcel of land is also being concerned for rezoning; that if this is the case, it is being done without notification and certainly without her agreement; that a few of her concerns, as the closest resident land owner to the proposed center, include how it affects her personally, the value of her property, security, trespassers, the septic fields, lighting and noise pollution, and traffic problems; and that she is also concerned about the reservoirs for storm water runoff. She urged the Board to reject the proposal.

**Robert Eby**, 1056 Fearrington Post, Pittsboro, NC, stated that the written proposal states that the plan supports the rural marketplace feel, perimeter plantings, enhanced pastoral feel, creation and feel of a village, and texture of a rural village layout; that all are appealing descriptions; that there are better things located on the map than are located in many retail developments around the country; that if one travels along Highway #15-501, there are two corners set on the 50' line from the highway right-of-way; that there is also a proposed drug store that looks about the same; that the parking areas by the bank extend to within 15-20 feet of the right-of-way; that such clearances do not allow for much visual buffering; that if those concerns are met and approval is granted, a condition for the conditional use permit be at least 50 feet of visual buffering along the entire property line bordering Highway #15-501; that a 100 feet buffer would be better; and that buffers should be considered for Highways #64 and #421.

**Herbert Oakley**, voiced concern with regard to the location of a sewer system adjacent to his daughter's land and the affect it would have on the land.

**Raymond Collins**, Lystra Church Road, Chapel Hill, NC, a 47-year resident of Lystra Road, stated that he likes the peace and serenity of the area; that they are already bombarded with the Jones Brothers noise early in the morning; that he arises every morning at 5:00 AM to go to work at the post office; that he is kept awake all hours of the night by the loading and unloading of Jones Brothers' trucks; that there are business at the shopping center in close proximity that have gone out of business because of the lack of trade to support it; that there is a constant turn-over of business because they can not survive in the community; that he doesn't feel that there is a need for a shopping center at this location; that he is concerned about security, traffic, and safety of their children; and that he deeply opposes the approval of this project.

**Richard Hayes**, 612 Oak Island Drive, Chapel Hill, NC, stated that this area is in the WS-4 watershed which allows up to 36% impervious surface without curb and gutter; that in taking a quick review, it appears to be very close to the limit; that his main concern to the project is that of stormwater runoff; that the area is in the Jordan Lake water supply watershed; that anything that goes into the water can cause future problems; that the sketch plan calls for retention of the first one-half inch of rainfall; that he feels that this is inadequate to protect the water supply; that he would be more comfortable with a two inch retention; that he is concerned with downstream flooding; that flood plains expand outward and when the water rises and more frequent, flooding occurs as impervious surface in a watershed increases unless there is proper planning. He cautioned the Board to study the issue closely and protect the water supply.

**John Graybeal**, 3396 Alston Chapel Road, Pittsboro, NC, stated that he didn't feel that he needed his six years on the Chatham County Planning Board to figure out that this proposal is an incredibly bad idea. He stated that the problem is the location; that if a substantial shopping center is allowed to go in between the bypass and Chatham Crossing/Cole Park, there will be major traffic problems; that the entire road will begin to look like the bypass around Chapel Hill; that all five findings cannot be made; that if the argument was to

try to do this as an economic center, there are eight areas proposed in the Land Use Plan which will not allow it; that in looking at the plan in terms of global interest of the citizens, there must be commercial nodes, but there should not be another one allowed in between the ones that are already there.

**Dennis McGraw**, 3689 Old Graham Road, Pittsboro, owner of GNC Nutrition Store at Chatham Crossing stated there is presently 15,000 square feet of vacant retail and office space at Chatham Crossing; that some of the space has been vacant for over two years; that he is building a house at Wilder Ridge which is approximately 250 yards from the second entrance to the proposed shopping center; that he is concerned about the stormwater runoff, the wastewater runoff, the contaminants from the meat and produce department at the Harris Teeter. He asked how the County would propose to protect the residents living nearby.

**Steve Vinson**, 4200 Lambeth Drive, Raleigh, NC, partner in Glenwood Development Company, owner of Chatham Crossing and Cole Park Plaza, stated that they are opposed to the project for a number of reasons; that they have over 15,000 square feet of vacant space; that over the next 12-18 months, they expect an additional 10,000-15,000 additional vacancy; and that they would appreciate consideration of those facts.

**Loyse Hurley**, 16 Matchwood, Pittsboro, NC, representing Chatham Citizens for Effective Communities (CCEC), addressed the design issues in the Lat Purser and Associates request for a conditional use permit for the business development of Chatham Downs. She stated that the Chatham County Land Conservation and Development Plan contains a vision for the future of Chatham County; that strip development along Highway #15-501 corridor is specifically highlighted as undesirable in the plan; that the rural vision has already been compromised; that it is time to stop the progressive strip mall appearance and consider what it means to preserve the rural aspect of the County; that a pastoral feel is not created in the 50' proposed buffer; that they respectfully request that the County require appropriate set backs from roadways to meet the concepts of a rural appearance; and that a 200' buffer would significantly soften the visual impact of this commercial center and help to achieve and maintain the rural appearance they expect.

**Chuck Lewis**, 124 Hidden Oaks Drive, Chapel Hill, NC, stated that as a builder in the area, he is concerned about the traffic nightmare that the project will create. He stated that the intersection is already crowded; that the traffic study in the plan looks as if it was based on the 2001 Briar Chapel traffic study; that the traffic patterns have changed significantly; and that he feels that it would be smart to have a more thorough traffic study done.

**James McGirt**, 86 Willow Way, stated that he felt it should be mandatory that all documents submitted by a developer currently in electronic form should be available to the public via the internet so that all citizens would have a chance to review the document in a timely manner prior to making public comments on it.

**Jim Griffin**, stated that he owns two parcels of land on the south side of the proposed project; that his concerns include: 1) A rental house that he owns which may be approximately 300' from the proposed septic system. Will the septic system produce an unpleasant odor for a potential tenant? 2) Will the amount of waste water usage affect their well water? If so, would Purser and Associates resolve the problem? 3) Light should be kept at a minimum brightness and be dimmed at the end of business hours. 4) They would not live to have pedestrians cutting across their property for quick access to their destination, possibly a security fence and that it be 15' wide opaque. He thanked the Board for their consideration.

Chairman Emerson closed the public hearing.

**Request for B-1 Business Conditional Use District with Conditional Use Permit:** Consideration of a request by A. Hugh Stone for a B-1 Business Conditional Use District with a Conditional Use Permit for boat, camper, and recreational vehicle storage facility, on approximately 2.6 acres, off SR #1716 (Big Woods

Road), in Williams Township

As per the Planning Department and Planning Board recommendation, Commissioner Pollard moved, seconded by Commissioner Outz, to approve the request with the following conditions:

1. A building permit must be applied for within 12 months of approval by the Board of County Commissioners or this permit becomes null and void. Once obtained, the building permit must remain valid at all times or the permit becomes null and void.
2. An erosion control permit must be obtained prior to issuance of the building permit.
3. The stormwater retention basin must be installed prior to issuance of the certificate of occupancy.
4. Landscaping/buffering as shown on the site plan must be installed prior to the issuance of the certificate of occupancy.
5. The existing vegetative buffer on the subject property along SR #1716 [Big Woods Road] shall remain in place or at a minimum 15feet wide, Type A, opaque buffer shall be installed outside the NCDOT sight triangles.
6. Signage must be placed outside the state road right-of-way. Size of sign shall be as stated in the application, a 5' x 5' tow-sided non-illuminated sign.
7. Lighting shall be full cutoff, i.e. shielded on the top and sides to prevent spillage into the night sky and onto adjacent properties.

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

**Proposed Revisions to the Chatham County Subdivision Regulations Section – Public Street Access:** Consideration of proposed revisions to the Chatham County Subdivision Regulations Section 6.2B.(3) – public street access

After considerable discussion, Commissioner Pollard moved to adopt the revision with the exception that "**shall**" be changed to "**may**".

After further discussion, Commissioner Pollard withdrew her motion.

As per the Planning Department and Planning Board recommendation, Commissioner Pollard moved to adopt the language as revised to the first sentence of Section 6.2B(3) of the Subdivision Regulations as follows:

"Where in the opinion of the Board of Commissioners, it is reasonable to provide for public street access to adjoining landlocked property or additional public street access to large tracts with future development potential, proposed public streets shall be extended by dedication of right-of-way to the boundary of such property. Legal documents shall be recorded assuring future public accessibility."

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

Commissioner Atwater found the minority report compelling and strongly felt that written criteria should be developed and made part of policy which would assure "equal protection" for both County and developer/landowners when deciding upon dedication of land for the public safety and good. He stated that currently they are legally exposed in that they make as a condition of approval of new subdivisions public dedication of roadways to land-locked adjacent property with no policy criteria which will assure that all such decisions are measured against the same standard.

The County Manager made the point that sometimes language criteria can preclude the development of a reasonable decision regarding unique circumstances which may surround certain instances.

Commissioner Atwater was hopeful that new language could be crafted to pay recognition to the type concern the County Manager puts forward.

Commissioner Morgan moved to table the matter until the Planning Board has time to further study the matter. Commissioner Atwater seconded the motion. The motion carried five (5) to zero (0).

**Proposed Revisions to the Chatham County Zoning Ordinance – Lighting:** Consideration of proposed revisions to the Chatham County Zoning Ordinance, Section 11.11 – Lighting

A discussion ensued resulting in a suggestion to implement the lighting ordinance on a voluntary basis for one year and at that time review the policy as to its effectiveness.

By way of compromise, Commissioner Atwater moved, seconded by Commissioner Morgan, to adopt the recommended policy for voluntary consideration by all developers to be reviewed in six months for permanent implementation. The motion carried five (5) to zero (0).

**Request for Sketch Design Approval of "Bobcat Point Subdivision, Phase IV (Lots 100-125):** Consideration of a request by Ricky Spoon for sketch design approval of "**Bobcat Point Subdivision, Phase IV (Lots 100 – 125)**", consisting of 23 subdivision lots on approximately 161 acres, off SR #1558 (Henderson Tanyard Road) and SR #1559 (Emerson - Cook Road), in Hadley Township

As per the Planning Board recommendation, Commissioner Morgan moved, seconded by Commissioner Atwater, sketch design approval of the plat was granted as submitted with no conditions proposed. The motion carried five (5) to zero (0).

**Request for Subdivision Sketch Design of "Park Pointe":** Consideration of a request by Landco Realty on behalf of Pleasant Hill Baptist Church for subdivision sketch design of "**Park Pointe**", consisting of 5 lots on approximately 29 acres, located off SR #1700, New Hope Township

As per the Planning Department and Planning Board recommendation, Commissioner Morgan moved, seconded by Commissioner Outz, sketch design approval of the plat was granted as submitted. The motion carried five (5) to zero (0).

## APPOINTMENTS

**Housing Authority Board Appointments:** Consideration of a request to appoint/reappoint two members to the Housing Authority Board by Commissioner Pollard and Commissioner Outz

Commissioner Pollard moved, seconded by Commissioner Outz, to reappoint Mike Clements, PO Box 206, Moncure, NC, to the Housing Authority Board. The motion carried five (5) to zero (0).

Commissioner Outz deferred his appointment until the next Board of Commissioners' meeting.

**Orange-Person-Chatham Mental Health Board Appointment:** Consideration of a request to reappoint a Commissioner to the Orange-Person-Chatham (OPC) Mental Health Board by Commissioner Atwater

Commissioner Atwater moved, seconded by Commissioner Outz, to reappoint Commissioner Margaret Bryant Pollard to the Orange-Person-Chatham Mental Health Board (OPC). The motion carried five (5) to zero (0).

## **MANAGER' S REPORTS**

The County Manager reported on the following:

### **Joint Meeting with Planning Board:**

A joint meeting between the Chatham County Board of Commissioners and the Chatham County Planning Board will be held on October 13, 2003 in the District Courtroom at 7:00 PM to discuss the Compact Communities Ordinance.

### **SACWIS:**

Chatham County has been informed by the State that the SACWIS technology project was initially approved as a sol-source enhanced funded project by the Federal Government; that the Division of Social Services purchased and paid for the equipment and the counties remitted the non-federal share of funds from their local dollars; that the State was unable to deliver a statewide SACWIS system as defined by federal rules in that by definition, all one hundred counties would have to agree to use the system; that several counties who did not want this restriction, had already developed and/or purchased local case management systems and wanted only to be required to interface with a statewide system; that the State pursued this option for two years in hopes of getting approval from ACF to allow interfaces with any State system developed; that they were unsuccessful in these negotiations; that negotiations included many conference calls, letters and trips to the Washington office to resolve these differences; that county Department of Social Services Directors and the County Commissioners Association were involved in these negotiations; that these efforts did not change the decision of ACF; that and that Chatham County's portion of the SACWIS payback is \$12,875.54.

After considerable discussion, Chairman Emerson moved, seconded by Commissioner Morgan, to reimburse the State of North Carolina funds in the amount of \$12,875.54 and to include a letter of protest regarding same. The motion carried five (5) to zero (0).

## **COMMISSIONERS' REPORTS**

**Tax Releases:** Consideration of a request for approval of tax releases

After discussion, Commissioner Morgan moved, seconded by Commissioner Outz, to approve the tax releases, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

**ADJOURNMENT**

Commissioner Outz 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, and the meeting was adjourned at 9:31 PM.

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Thomas J. Emerson, Chairman

ATTEST:

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