

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
JANUARY 21, 2003

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 January 21, 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; Assistant County Manager, Paul Spruill; Finance Officer, Vicki McConnell; and Clerk to the Board, Sandra B. Sublett

The meeting was called to order by the Chairman at 6:04 PM.

PLEDGE OF ALLEGIANCE AND INVOCATION

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

AGENDA

- The Chairman asked if there were additions, deletions, or corrections to the Agenda.
- Chairman Emerson suggested that the Board's policy be waived on not allowing public comments on items which are on the Agenda and that comments be allowed on the Buck Mountain issue, due to strong interest by citizens, fifteen minutes pro and fifteen minutes con, before the item is presented to the Board.
- Chairman Emerson asked that Item #7, Consideration of an appeal of a motor vehicle valuation by Mr. Walter Harris, be deferred until a later date.

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

CONSENT AGENDA

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

Chairman Emerson asked that Item #4, Consideration of a request to approve Fiscal Year 2002-2003 Budget Amendments, be removed from the Consent Agenda and placed on the Regular Agenda for 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 meeting held January

06, 2003 and Work Session Minutes for meeting held January 06, 2003

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

2. **Tax Releases:** Consideration of a request for approval of tax releases, attached hereto and by reference made a part hereof.

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

3. **Refunds on Tax Bills:** Consideration of a request for approval of 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. ~~**Fiscal Year 2002-2003 Budget Amendments:** Consideration of a request to approve Fiscal Year 2002-2003 Budget Amendments, attached hereto and by reference made a part hereof.~~

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

END OF CONSENT AGENDA

PUBLIC INPUT SESSION

There was no one present who wished to make comments.

FINANCE OFFICE

Fiscal Year 2002-2003 Budget Amendments: Consideration of a request to approve Fiscal Year 2002-2003 Budget Amendments

After explanation by the Finance Officer and discussion by the Board, Commissioner Outz moved, seconded by Commissioner Pollard, to approve the budget amendments as proposed by staff, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

LIBRARY SERVICES

Contract for Improved Frame-Relay Data Services: Consideration of a request to approve a contract with Sprint for upgrade of frame-relay data services from the Pittsboro Library Branch to the Alamance County Regional Library

Commissioner Pollard moved, seconded by Commissioner Outz, to approve contract with Sprint for frame relay services for the next 17.5 months at a recurring cost of \$1,435 per month with a one-time charge of \$1,703.50. (The total Chatham County obligation with approval of this contract is \$26,815 which is in excess of the \$20,000 contract approval authority given to the County Manager. Existing funding and anticipated discounts will pay for this expense over the next two years.) The motion carried five (5) to zero (0). The contract is attached hereto and by reference made a part hereof.

SHERIFF'S DEPARTMENT

Vehicle Purchase Award for Sheriff's Department: Consideration of a request to award a contract

to Vic Baily Ford, Spartanburg, South Carolina, for the purchase of fifteen Sheriff's Department vehicles to replace twelve existing vehicles and three vehicles that have been totaled

- After considerable discussion with regard to the most efficient octane gas run in County vehicles, Commissioner Outz moved to require all County vehicles to use "regular" gas.

The Sheriff stated that his department had already downgraded from premium to medium grade gas and that they are watching to see how the medium grade works before they again downgrade.

Commissioner Morgan asked to defer a decision on the issue until it could be determined which octane is the most efficient.

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After further discussion and lack of a second, Commissioner Outz withdrew his motion.

The Sheriff stated that he would update the Board on this matter in the near future.

- After considerable conversation with regard to local bid participation, Commissioner Outz moved, seconded by Commissioner Morgan, to award a contract for the purchase of fifteen vehicles from Vic Baily Ford, Inc. in the amount of \$361,516, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

TAX OFFICE

- **Appeal of Motor Vehicle Valuation:** Consideration of a request to appeal a motor vehicle valuation by Mr. Walter Harris

- This item was deferred until a later date.

BOARDS AND COMMITTEES

Triangle J Council Of Governments (TJCOG) Smart Growth Committee Appointment: Consideration of a request to appoint a member (elected official, Planning Board Member, or staff member) to the Triangle J Council of Governments' Smart Growth Committee

Commissioner Morgan moved, seconded by Commissioner Atwater, to defer this appointment until after the Planning Board has an opportunity to review and discuss it and make a recommendation to the Board at their February 17, 2003 Board of Commissioners' meeting. The motion carried five (5) to zero (0).

Orange Chatham Justice Partnership (OCJP) Appointment: Consideration of a request to appoint a Commissioner to the Orange Chatham Justice Partnership

Commissioner Atwater expressed an interest in serving on this committee.

Commissioner Morgan moved, seconded by Commissioner Pollard, to appoint Commissioner Atwater to the Orange Chatham Justice Partnership. The motion carried five (5) to zero (0).

Ag Advisory Board Appointment: Consideration of a request to appoint a member to the Ag

Advisory Board by Commissioner Outz

Commissioner Outz asked that this item be deferred until the next meeting.

PLANNING AND ZONING

Revision to Existing Light Industrial Conditional Use District with a Conditional Use Permit for "Neon Impressions, Inc.": Consideration of a request by Nathan Sheaffer on behalf of **Neon Impressions, Inc.** for a revision to an existing Light Industrial Conditional Use District with a Conditional Use Permit for assembly of machinery and goods from previously prepared parts and light manufacturing or processing not otherwise named, to include the following uses on approximately 5.73 acres on the east side of SR #1008 (Farrington Road), in New Hope Township:

- Ø Assembly of machines, appliances, and goods from previously prepared parts
- Ø Blueprinting and photostatting establishments
- Ø Bookbinding
- Ø Coffee roasting
- Ø Fur storage
- Ø General, professional, medical, and governmental offices
- Ø Leather goods manufacture excluding tanning
- Ø Machine shops
- Ø Optical and scientific instrument, jewelry and clock, musical instrument manufacture
- Ø Printing, publishing, and reproduction establishments
- Ø Public and private schools, training, and conference centers
- Ø Repair and service of office and household equipment
- Ø Sheet metal shops
- Ø Sign manufacture, painting, and maintenance
- Ø Woodworking shops, mill work

As per the Planning Department and Planning Board recommendation, Commissioner Atwater moved, seconded by Commissioner Outz, to grant the requested revision with the following conditions:

1. Required landscaping/buffering (Type B, semi-opaque – 3 ft. high opaque with intermittent visual obstruction to 20 ft. high) shall be planted from the front northwest corner of the structure to the point that the circle driveway intersects the property line. Plantings shall be a minimum of 3-gallon shrubbery and 10-gallon trees to mature within four (4) years. Landscaping/buffering shall be completed no later than March 15, 2003.
2. The total number of employees/people occupying the structure at any time shall not exceed 60 as specified by Wastewater Permit #WQ0011777 or the number specified in any revisions to said permit. This permit shall be kept valid at all times or the conditional use permit becomes null and void. A copy of future permit renewals shall be furnished to the Planning Department.
3. A building permit for necessary renovations to the structure shall be obtained within 12 months of the approval date or this permit shall become null and void. The building permit shall be kept valid at all times during the renovation process or this permit becomes null and void.
4. There shall be no industrial discharge into the wastewater treatment system

[Wastewater Permit #WQ0011777].

5. If any or all of the property is used as a school there will be no industrial uses at the same time.

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

CLOSED SESSION

Chairman Emerson asked that a Closed Session be added to the end of the Agenda for the purpose of reviewing potential real estate transactions.

Commissioner Morgan moved, seconded by Commissioner Outz, to add a Closed Session to the end of the meeting for the purpose of discussing potential land acquisition. The motion carried five (5) to zero (0).

MANAGER' S REPORTS

The County Manager reported on the following:

Board of Commissioners Retreat:

The Board of Commissioners retreat is to be held on January 22-23, 2003 in the Henry H. Dunlap, Jr. Building Classroom beginning at 9:30 AM.

Joint Meeting with Board of Health:

The Board of Commissioners will hold a joint meeting with the Chatham County Board of Health on January 28, 2003 at 6:00 PM.

By consensus, the Board agreed that the attire is to be casual.

COMMISSIONERS' REPORTS

Planning Board Appointment: Consideration of a request to appoint a member to the Planning Board by Commissioner Atwater

Commissioner Atwater moved, seconded by Commissioner Outz, to appoint Cecil Wilson, 489 Holland's Chapel Road, Apex, NC, to the Chatham County Planning Board. The motion carried five (5) to zero (0).

RECESS

Commissioner Pollard moved, seconded by Commissioner Outz, to recess the meeting for five minutes. The motion carried five (5) to zero (0).

PLANNING AND ZONING

Subdivision Sketch Approval of "Buck Mountain Golf Community": Consideration of a request by Jordan Lake Preserve Corporation for subdivision sketch approval of "Buck Mountain Golf Community" consisting of 700 lots and an 18 hole golf course on 792 acres on the west side of Old Graham

Road (SR #1520) in Center Township

Pro:

Linda Jacobs, 290 East Street, Suite 101, Pittsboro, NC, stated that she has business interests in Chatham County; that she wants the County to grow in a responsible manner; that the taxpayers in the County carry the burden; that there are public transportation needs; that large lot development does not lend itself to carpooling and public transportation; that the County continually strives to have a low teacher/student ratio but students consistently test lower; that there are capital needs for the school that need to be addressed; that this County needs large sustainable business; and that it is about allowing people in the County to be relieved of that burden; that she has no personal interest in this development; that this development meets all the requirements of the ordinance; and that they will be responsible neighbors in the community.

Anthony Bright, 1302 Walter Bright Road, Sanford, NC, stated that he is the president of Walter Bright Construction and president of the Chatham Homebuilders Association; that the statements that housing does not pay for itself can be disputed; that those people pay taxes and transact business related to their residency; that with development, the tax value has increased significantly; that we do need compact developments; and that there would then be a chance for affordable housing.

Nick Robinson, PO Box 607, Pittsboro, NC, attorney for Bluegreen Corporation, thanked the Board and staff for the opportunity of appearing before them to address Buck Mountain Golf Community. He stated that they have proposed a subdivision on a 792½ acre parcel of land in an un-zoned portion of Chatham County that is located on the west side of Old Graham Road between Russell's Chapel Road and Chicken Bridge Road; that they seek no ordinance changes, no changes of conditional uses, no conditional use districts; that they are happy to comply with the Watershed Protection Ordinance just as it is; that they are asking only for subdivision sketch design approval; that they have proposed 700 single-family housing units and an eighteen hole signature golf course open for public play; that 51% of the 792½ acres will be open space which will include the golf course; that this is a covenant restricted community meaning there are restricted covenants which will provide for minimum square footage house sizes and are designed to sustain and maintain property values in the subdivision; that the developer is Jordan Lake Preserve Corporation which is a subsidiary of Bluegreen Corporation which is a publicly traded company with shareholders in Chatham County; that they have taken great pains to design the development in a way that is conscious of environmental concerns; that the County require 50 foot buffers on either side of blue line and perennial streams; that their project contains voluntary buffers of a minimum of 100 feet on each side of such streams, but up to a maximum of 600 feet in some places in the development; that as far as utilities are concerned, the Town of Pittsboro will supply potable water to the project pursuant to an agreement with the current owner; that there are benefits to the County; that they project at build-out, the 700 units will add over \$300,000,000 in real property value to the tax rolls of Chatham County; that translates into annual tax revenue at current rate to be over \$2,000,000 dollars of additional ad valorem tax revenue; that the current tax revenue to the County generated on this piece of property annually is thirteen thousand dollars; that there will be over one million dollars in impact fees paid and over seven hundred thousand dollars in estimated permitting fees to the County; that they estimate an annual tax surplus to the County, after the cost of services is accounted for to the subdivision, to be at least \$730,000 annually which is money for the Board of Commissioners to put to the best use; that they project that it will add approximately 432 local jobs to the community; that annual projected labor and materials costs will be approximately \$27,600,000 per year; that there is a good chance that not all but a lot of the material will be purchased in Chatham County; that Bluegreen Corporation is committed to doing things the right way; that their goal throughout the process has been to meet or exceed what is required under applicable ordinances in the County; that their maximum which is allowed in the County in the un-zoned section is one unit for every 1.9 acres, but theirs is lower than that which is one unit for every 1.13 acres; that the County requires a maximum impervious surface in the subdivision be less than

24% which theirs is; that the legal basis for approval of the subdivision is strong; that they have requested modest modifications to the conditions and added one requested condition; that the Bluegreen Corporation is already contributing in many ways to the community in Chatham County; that some of those contributions include: the Northwood High School Athletic Department is thrilled that the Preserve at Jordan Lake has offered its Davis Love, III Championship Golf Course to the Northwood Golf Team for practices and some matches at their golf course; that it has offered to host a charity fund raiser for the Northwood Athletic Booster Club to allow them to raise some money for their athletics department at the high school; that the Preserve invited two of the Northwood golfers to play a round of golf with Davis Love, III to open the new golf course; that the Preserve also hosted a fundraiser for the Chatham County Parks Foundation in the fall of 2002 and raised over \$11,000; that this proposal stands alone and should be approved on its own merits. He asked that the Board vote to approve the sketch design subdivision of Buck Mountain Golf Community subject to the conditions as revised as submitted.

Against:

Alice Yeaman, 633 Rock Rest Road, Pittsboro, NC, stated that she has previously corresponded with the Board regarding this matter; that the developer has a good development, that it is just in the wrong place; that since she moved to Chatham County in 1971, the County has had three land use plans, and each recommended that this area remain rural; that the developers of the property have an agreement with the Town of Pittsboro for water that far exceeds their proposed needs; and that Old Graham Road cannot handle this volume of traffic.

Tom Marriott, 633 Rock Rest Road, Pittsboro, NC, stated that the Board needs to help maintain peace, prosperity and the highest quality of life possible; that people in this area feel that the development threatens this; and that the tax value of his property has since tripled and will only get worse for small farmers and landowners in the area.

Matt McDermott, 9474 Highway #87N, Pittsboro, NC, stated that he is a new resident in Chatham County; that he came here because people were there for the peace and a good community; that this development is not a bad thing, but that the proposed project is in the wrong area; that the traffic study had to identify that this would be a problem area; that the construction pollution will continue to affect people in this area; and that standards are just minimums.

Aaron Ammerman, 5409 Mt. Olive Church Road, Pittsboro, NC, stated that he lives right across Chicken Bridge Road; that there is so much traffic on Mt. Olive Church Road that it is difficult for him to get to work; that the water situation is of concern with regard to the Town of Pittsboro and their problem with contamination; that adding 700 more homes tapped into the Haw River does not make sense at all; and that he would like for the Board to consider this as well.

James Carnahan, 122 Oak Street, Carrboro, NC, speaking on behalf of the Village Project, a North Carolina non-profit corporation working to support walkable compact communities, stated that there is nothing compact about one-acre lots; that there is no shopping, employment, nor recreation; that people have to drive to reach these resources; that Chicken Bridge Road will need to be widened; that people who will live there will need to drive to get to work, sometimes a significant distance; and that price for sprawl will have to be paid in human lives.

Jerry Markatos, 800 Rock Rest Road, Pittsboro, NC, stated that although he is an architectural photographer, he wants the Board to take a complete look at this development; that he already sees sedimentation in Dry Creek when events happen upstream; and that he would like to remind the Board that they have protected the rivers and watersheds in the past.

Tom Vanderbeck, 1510 Chicken Bridge Road, Pittsboro, NC, stated that he wants what is good for the community and the County; that this plan would work somewhere else; that he would like to see this postponed until later in the year in order to implement the Land Use Plan; that the traffic will certainly increase; that the average price home is projected at \$425,000; that the jobs in an around this area are not as abundant; that "green space" is a misnomer; and that problems still exist with proposed spray systems.

Cynthia Crossen, 1116 Marshall Road, Pittsboro, NC, stated she is very concerned with the environmental aspects of the development; and that these factors should not be taken lightly. She asked the Board to give themselves enough time to thoroughly study the project.

David Stalland, 649 Fearington Post, Pittsboro, NC, stated that he supported LUPIC; that Buck Mountain will be a tax burden on Chatham County; that resources must be allocated unilaterally across the County; that if the educational cost is spread out, the surplus that the developer noted quickly diminishes; that Chatham County assumes the long-term tax risk of any development they approve; that the average school child per household should be calculated at about one child per household; that it would actually cost over one million; that the access point on Old Graham Road will be overwhelmed; and that this is not a good development for Chatham County.

Elaine Chiosso, 1076 Rock Rest Road, Pittsboro, NC, Executive Director of the Haw River Assembly, stated that they have grave concerns about what this development will do to Dry Creek and the Haw River; that the land is very steep and will run off into various creeks in the area; that there will be sediment erosion even prior to development; that Bluegreen had a sediment erosion violation in the development of the Preserve; that the Dry Creek is one of the really clean creeks that feed the Haw River; that once the golf course is completed, there is a whole new level of pollution issues; that the wastewater will be a major problem; that they were very concerned about the amount of water Pittsboro intends to take out of the Haw River; and that it will have a potentially damaging affect on endangered species in the area.

Judith Ratcliffe, 1117 Wood Brook Way, Garner, NC, with the Wildlife Resources Commission, stated that there are endangered species in the area; and that if this development applies for a permit, the Wildlife Commission will look closely at its affect on the environment. She presented a report entitled, "*Guidance Memorandum to Address and Mitigate Secondary and Cumulative Impacts to Aquatic and Terrestrial Wildlife Resources and Water Quality (August 2002)*" to the Clerk and asked that it be made an official part of the Board of Commissioners' minutes.

Kate Dunlap, 1322 Mt. Olive Church, Pittsboro, NC, stated that she wanted to implore the Board not to make a hasty decision on this development; that the burden of proof regarding the inappropriateness of the development is on the community and not on the developer. She asked the Board to look at all the concerns before they make a decision.

Diana Munn, 3000 Old Graham Road, Pittsboro, NC, stated that she recalled that the Board voted on a three-year moratorium on large developments; that she recently substituted in the school system and recognized overcrowding; that the schools have space issues right now without adding to the problem; that her son wrote to the North Carolina Department of Transportation for an Eagle Scout project about Old Graham Road and its conditions; that the job market in Chatham County is poor; that the people who live there will buy things out of town; that the water rarely passes inspection; and that the form and function of the area is rural.

The Chairman closed the public input session.

RECESS

The Chairman called for a five-minute recess.

The Planning Director explained specifics of the applicants' sketch design request which were followed by comments from the Planning Board Chairman.

The Board discussed the conditions with some members of the Planning Board and others present.

After considerable discussion, Commissioner Morgan moved, seconded by Commissioner Pollard, to approve the 13 conditions as distributed by Nick Robinson prior to the meeting with the exception that Condition #8 be according to the Planning Department's original recommendation and to include "*The information supplied for any item needs to be reasonably accurate and adequate.*" at the end of Condition #8 as follows:

1. The water line that will be constructed and conveyed to the Town of Pittsboro upon acceptance shall be built to the Town of Pittsboro standards. The remaining water lines that will be constructed and conveyed to a regulated utility shall be built to the Chatham County minimum standards unless the County agrees otherwise. There shall be a water storage tank with a capacity of at least 500,000 gallons.
2. The developer shall install and make available to law enforcement, fire and emergency personnel an all weather-surfaced road from NC 87 to the development. Said road shall be available prior to final approval of lots in phase two as proposed, or the issuance of building permits for 50 houses, whichever occurs first.
3. The developer shall provide access for additional public roads at the circle end of the public road as shown.
4. A detailed stormwater management plan shall be provided and approved by the County Public Works Department for conformance with applicable County regulations.
5. The state required environmental monitoring reports shall be provided to the Chatham County Public Library.
6. Prior to preliminary plat approval at any specific phase, all lots within said phase shall be verified to be outside the regulated 100 year FEMA flood plain based on published maps and best available data.
7. Sidewalks shall be provided along the public roads from Old Graham Road to the club house recreation area and ultimately, along the road to the public recreation area if one is approved by the County.
8. An environmental impact assessment shall be provided at the time of preliminary submittal. The assessment will include documentation of using an integrated pest management plan to minimize potential pollution from the golf course and include groundwater impacts addressing specifically recharge and potential contamination. The information supplied for any item needs to be reasonably accurate and

adequate.

9. The County shall make a decision on the issue of public recreation fees and/or facilities at or prior to the time of final plat consideration.
10. Turn lanes shall be provided at the entrance of the development with Old Graham Road as recommended in the traffic impact analysis by Ramey Kemp and Associates.
11. Other than road and trail crossings, to the extent possible, retain stream side buffers in a natural undisturbed state.
12. A market analysis and financial statement shall be provided at the time of preliminary submittal.
13. Applicant shall have a period of twenty-four (24) months following the date of sketch approval by the Board of Commissioners within which to submit for approval of a preliminary plat for Phase 1 of the development and an additional twenty-four (24) months within which to submit for approval of a preliminary plat for Phase 2 of the development.

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

CLOSED SESSION

- Commissioner Pollard moved, seconded by Commissioner Morgan to go into Closed Session for the purpose of discussing land acquisition. The motion carried five (5) to zero (0).

REGULAR SESSION

- Commissioner Morgan moved, seconded by Commissioner Atwater, to go out of Closed Session and reconvene in Regular Session. The motion carried five (5) to zero (0).

ADJOURNMENT

Commissioner Outz moved, seconded by Commissioner Morgan, 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 10:19 PM.

Thomas J. Emerson, Chairman

ATTEST:

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