

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
JUNE 07, 2004

The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met in the Agricultural Auditorium Building, 45 South Street, located in Pittsboro, North Carolina, at 9:00 AM on June 07, 2004.

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, Renee Dickson; Finance Officer, Vicki McConnell; and Clerk to the Board, Sandra B. Sublett

The meeting was called to order by the Chairman at 9:04 AM.

PLEDGE OF ALLEGIANCE AND INVOCATION

- Chairman Emerson welcomed everyone in attendance and 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.

The County Attorney asked that a resolution fixing the Orange/Chatham County boundary line be added to the Agenda as Item #19A.

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

1. **Minutes:** Consideration of a request for approval of Board Minutes for Regular meeting held May 17, 2004, Work Session held May 17, 2004, Budget Work Sessions held May 10, 2004 and June 1, 2004 and Special meeting held May 27, 2004

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

2. **Road Name:** Consideration of a request from citizens to approve the naming of a private

road in Chatham County as follows:

1. **Baldwins Crossing**

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

3. **Revision to Alcohol & Drug Free Workplace Policy:** Consideration of a request to approve a revision to the Chatham County Alcohol and Drug Free Workplace Policy, attached hereto and by reference made a part hereof.

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

4. **Subdivision Preliminary Design Approval of "Laura Hills":** Consideration of a request by Richard E. Fox for subdivision preliminary design approval of "**Laura Hills**", consisting of 18 lots on approximately 60 acres, off SR #1509, Laura Johnson Road, Hickory Mountain Township

As per the Planning Department and Planning Board recommendation, preliminary plat approval was granted with the same conditions as stated at sketch design approval.

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

5. **Regional Aging Advisory Council Appointments:** Consideration of a request to reappoint members, William R. Dudenhausen, 363 Fearington Post, Pittsboro, NC; Joe Quinn, 194 Fearington Post, Pittsboro, NC; and Betty Landsberger, 346 Carolina Meadows Villa, Chapel Hill, NC, to the Regional Aging Advisory Council

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

END OF CONSENT AGENDA

PUBLIC INPUT SESSION

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

CERTIFICATES OF RECOGNITION

Certificates of Recognition: Presentation of Certificates of Recognition to Carolyn Clark as Certified Deputy Tax Collector and Margaret Goldston as Certified Assistant Tax Collector

Chairman Emerson praised the efforts of Carolyn Clark and Margaret Goldston on their attainment as Certified Deputy Tax Collector and Certified Assistant Tax Collector, respectively. He presented them with Certificates of Recognition. Copies of the certificates are attached hereto and by reference made a part hereof.

PLANNING DEPARTMENT

Revision to Existing Conditional Use Permit: Consideration of a request by Jeff N. Hunter for a revision to an existing Conditional Use Permit (Colvard Farms Planned Unit Development) for a cluster subdivision consisting of 107 lots on 300 acres), off Highway #751, Williams Township, for the following:

- Increase the total number of lots approved for the subdivision from 107 lots by 24 lots to 131 lots
- Reduce the minimum lot size to 10,000 square feet; the current minimum is 20,000 square feet
- Decrease the side yard minimums from 15 to 10 feet with a total minimum for both sides of 20 feet; and
- Remove the 50-foot building setback for six lots (numbered 114 through 119), which are adjacent to the public lands managed by the US Army Corps of Engineers. The fifty foot undisturbed buffer shall be maintained.

As per the Planning Department and Planning Board recommendation, Commissioner Pollard moved, seconded by Commissioner Atwater, to approve the request for a revision to the existing Conditional Use Permit was granted as follows:

1. Increase the total number of lots approved for the subdivision by 24 from 107 lots to 131 lots.
2. Reduce the minimum lot size for Phase V to 10,000 square feet.
3. Minimum setbacks from property lines for Phase V shall be as follows:
 - Front: 15 feet
 - Side: 10 feet
 - Rear: 25 feet except lot numbers 114-119 shall have a rear setback of 15 feet. The fifty (50) foot non-disturb buffer for lot numbers 114-119 shall remain
4. Prior to the sale of lots there shall be full disclosure to prospective buyers of the various land use activities possible on US Army Corps of Engineers land, specifically hunting and control burns for timber management.

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

Request for Office and Institutional Conditional Use District: Consideration of a request by Terry Otto for an Office and Institutional Conditional Use District with a Conditional Use Permit for the following:

- Hotels, motels and inns including accessory eating and drinking and personal service facilities when located in the principal structure specifically for an inn
- Public and private schools, training and conference centers

on approximately 17 acres, off SR #1941 (Seaforth Road), in New Hope Township

As per the Planning Department and Planning Board recommendation, Commissioner Atwater moved, seconded by Commissioner Pollard, to approve the zoning change from RA-40 to Conditional Use Office and Institutional District. The motion carried five (5) to zero (0).

As per the Planning Board recommendation, Commissioner Atwater moved, seconded by Commissioner Morgan, to find the five findings and grant the Conditional Use Permit with the

following conditions:

1. A building permit must be obtained from Central Permitting within 12 months of approval by the Board of County Commissioners or the Conditional Use Permit will become null and void. Said building permit must remain valid during the construction process or the Conditional Use Permit will become null and void.
2. A Type A, opaque buffer with an increased width from 15 to 25 feet shall be established along the eastern property line prior to issuance of the certificate of occupancy for the newly proposed structure. The existing vegetation currently consisting of trees along said property line may need to be improved with under-story plantings to achieve the opaque qualities of a Type A buffer.

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

FINANCE OFFICE

Budget Amendments: Consideration of a request to approve Fiscal Year 2003-2004 Budget Amendments

Commissioner Morgan moved, seconded by Commissioner Pollard, to approve Fiscal Year 2003-2004 Budget Amendments, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

BOARD AND COMMITTEES

Human Relations Committee Appointment: Consideration of a request to appoint a member to the Human Relations Committee by Commissioner Outz (1)

This appointment was deferred until a later date.

Adult Care Home Committee Appointment: Consideration of a request to appoint two members to the Adult Care Home Committee by the Full Board (1)

This appointment was deferred until a later date.

Solid Waste Advisory Board Appointment: Consideration of a request to appoint a member to the Solid Waste Advisory Board by Full Board (1 – Representative from Goldston)

This appointment was deferred until a later date.

Piedmont Conservation Council: Consideration of a request to appoint a member to the Piedmont Conservation Council by Full Board (1)

This appointment was deferred until a later date.

Child Fatality Prevention Team: Consideration of a request to appoint two members to the Child Fatality Prevention Team by Chairman Emerson (1) and Commissioner Morgan (1)

This appointment was deferred until a later date.

Economic Development Corporation Appointment: Consideration of a request to appoint/reappoint a member to the Economic Development Corporation by Commissioner Pollard (1)

This appointment was deferred until a later date.

OPC Mental Health Board Appointment: Consideration of a request to appoint a member to the OPC Mental Health Board by Commissioner Pollard (1)

This appointment was deferred until a later date.

Regional Aging Advisory Council Appointment: Consideration of a request to appoint a member to the Regional Aging Advisory Council by the Full Board (1)

This appointment was deferred until a later date.

Water Advisory Board Appointments: Consideration of a request to appoint two members to the Water Advisory Board by Commissioner Atwater (2)

This appointment was deferred until a later date.

Planning Board Appointments: Consideration of a request to appoint/reappoint members to the Chatham County Planning Board by Commissioners Emerson (2), Pollard (1), Outz (1), and Atwater (1)

Chairman Emerson moved, seconded by Commissioner Morgan, to reappoint Charles Eliason, 1754 West Third Street, Siler City, NC, to the Chatham County Planning Board. The motion carried five (5) to zero (0).

Chairman Emerson moved, seconded by Commissioner Morgan, to reappoint Mark McBee, 84 Pine Lake Drive, Siler City, NC, to the Chatham County Planning Board. The motion carried five (5) to zero (0).

Commissioner Outz moved, seconded by Commissioner Morgan, to reappoint Jeff Austin, 200 Lockwood Drive, Pittsboro, NC, to the Chatham County Planning Board. The motion carried five (5) to zero (0).

MANAGER' S REPORTS

Chatham/Orange County Boundary Line:

The County Attorney advised the Board of Commissioners that he had conferred with the Orange County Attorney who advised that his board will consider approving the Orange/Chatham boundary later this month in anticipation of approving the boundary as surveyed by Gary Thompson, PLS. If the Board of Commissioners of Chatham and Orange counties approve a resolution adopting the boundary as surveyed, it will then be submitted to the General Assembly for approval. The Manager has been in touch with Joe Hackney who advised that if both counties are in agreement, he will attempt to get the matter before the General Assembly during the current session. The Board thereupon adopted the attached resolution.

Chairman Emerson moved, seconded by Commissioner Morgan, to adopt **Resolution #2004-35 Fixing the Chatham County/Orange County Boundary Line According to The Survey and Plat Prepared by Gary Thompson**, subject to legal review by County Attorney. The motion carried five (5) to zero (0). The resolution is attached hereto and by reference made a part hereof.

Peer Review Consultants for Compact Communities:

Keith Megginson, Chatham County Planning Director, explained that Chatham County mailed out fifty-seven request for proposals to consulting firms to perform peer reviews of impact analysis for a compact community. He stated that twenty-six request letters were sent to firms and individuals for environmental analysis, twelve requests for economic/fiscal analysis review, and nineteen requests for transportation analysis; that the request for proposals was posted on the County web site and advertised in the local paper for one week; that the due date for proposals was Tuesday, June 1,2004; that the County received two proposals for environmental review, two proposals for economic/fiscal review, and six proposals for transportation review; that the firms submitting proposals are as follows: Environmental-CMS Engineering, Robert J. Goldstein and Associates; Economic/Fiscal-Frank L. Hefner, Tischler & Associates; Traffic-ARCADIS G&M of North Carolina, CMS Engineering, John Davenport Engineering, The Louis Berger Group, Parsons Brinckerhoff Quade & Douglas, and Wilbur Smith Associates.

He stated that the County staff has completed review of the environmental and economic/fiscal proposals; that the review of the transportation proposals is underway; that according to the Compact Community Ordinance, the peer review analysis consultants will work for Chatham County, but the cost of said work will be paid for by the developer/applicant; that the County staff recommends that the Board of Commissioners authorize the County Manager to proceed to negotiate contracts for the peer review environmental impact analysis with Robert J. Goldstein and Associates and for economic/fiscal impact analysis with Tischler & Associates, and for traffic impact analysis with Wilbur Smith Associates and Parsons Brinckerhoff Quade & Douglas.

Commissioner Morgan moved, seconded by Commissioner Outz, to authorize the County Manager to proceed to negotiate the contract for the peer review economic/fiscal impact analysis with Tischler & Associates. The motion carried five (5) to zero (0).

Commissioner Morgan moved, seconded by Commissioner Outz, to authorize the County Manager to proceed to negotiate the contract for the peer review environment impact analysis with Robert J. Goldstein and Associates. The motion carried five (5) to zero (0).

Commissioner Morgan moved, seconded by Commissioner Pollard, to authorize the county Manager to proceed to negotiate the contract for the peer review for traffic impact analysis with Wilbur Smith Associates and Parsons Brinckerhoff Quade & Douglas. The motion carried five (5) to zero (0).

COMMISSIONERS' REPORTS

Central Electric Membership Corporation:

Chairman Emerson introduced members of Central Electric Membership Corporation in attendance.

The County Attorney explained that the County had applied for an interest free loan for economic development from Central Electric Membership Corporation; that the funds were to be used for up-fitting the Pittsboro Wastewater Treatment facility; and that this was part of the improvements to

the system to get reuse water to 3M.

Commissioner Outz asked to be excused from voting on the matter due to the perception of a possible conflict of interest.

Chairman Emerson moved, seconded by Commissioner Pollard, to excuse Commissioner Outz from voting on the matter. The motion carried four (4) to zero (0).

Commissioner Outz left the meeting.

Chairman Emerson moved, seconded by Commissioner Atwater, to authorize the County to accept the loan as described in the minutes and approved by the County Attorney and to authorize the execution of necessary documents with the Town of Pittsboro, contingent upon proper documentation of the Town of Pittsboro's participation. The motion carried four (4) to zero (0).

Commissioner Outz reentered the meeting. He expressed appreciation to Central Electric Membership Corporation for making the loan to the County.

Joint Meeting with Town of Pittsboro:

Commissioner Morgan reminded the Board of the joint meeting with the Town of Pittsboro on Thursday, June 10, 2004. The time and location are to be announced.

Parking Spaces:

Commissioner Outz again expressed a desire to designate parking spaces for citizens coming to the County offices to take care of business.

The County Manager explained that current plans were to set aside ten spaces for designated customer parking at the Tax Office/Register of Deeds entrance.

Governor's Park:

Commissioner Atwater asked if a response had been received from the Army Corps of Engineers regarding his concern, as well as those of his neighbors, regarding the sound of high-powered rifles emanating from immediately behind their properties on land that belongs to the Corps. He voiced concern for the physical safety of his Governor's Park neighbors.

The County Manager explained that he was trying to set up a meeting with the Army Corps of Engineers to meet with the Board of Commissioners to discuss this and other issues.

Clearing of Bushes Around Jordan Lake:

Paul McCoy stated that he was still very concerned that the North Carolina Department of Transportation, Highway Division, was not keeping the bushes trimmed and the roadside mowed. He stated that many families sacrificed their land for the lake years ago; that they ought to be able to enjoy the lake's scenery; that Mr. Tippet with the NCDOT is the one that needs to be contacted; and that there needs to be a coordination of continued efforts to make the lake and surrounding roadsides once again presentable.

-
-

RECESS

Chairman Emerson recessed the Regular Meeting for ten minutes prior to the start of the scheduled Work Session at 10:15 AM.

Thomas J. Emerson, Chairman

ATTEST:

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