

**MINUTES**  
**CHATHAM COUNTY BOARD OF COMMISSIONERS**  
**REGULAR MEETING**  
**JULY 19, 2004**

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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 July 19, 2004.

Present: Chairman Tommy Emerson; Vice Chair Carl Outz; Commissioners Margaret Pollard, 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

Absent: Commissioner Bob Atwater

The meeting was called to order by the Chairman at 6:00 PM.

**PLEDGE OF ALLEGIANCE AND INVOCATION**

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

**AGENDA**

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

The County Manager asked that Item #19, Water Advisory Board Appointment, be deferred until a later date due to the absence of the appointing Commissioner.

Commissioner Pollard moved, seconded by Commissioner Outz, to approve the Agenda with the noted request. The motion carried four (4) to zero (0).

**CONSENT AGENDA**

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

Commissioner Morgan moved, seconded by Commissioner Pollard, to approve the Consent Agenda as follows:

1. **Minutes:** Consideration of a request for approval of Board Minutes for regular meeting held June 21, 2004

The motion carried four (4) to zero (0).

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

roads in Chatham County as follows:

- A. **Robert Poe Road**
- B. **Arborgate**

The motion carried four (4) to zero (0).

3. **Chatham County Rescue Contracts:** Consideration of a request to approve the rescue contracts between Chatham County and Chatham County Rescue Squad, East Chatham Rescue Squad, and Goldston Area Rescue Squad, attached hereto and by reference made a part hereof.

The motion carried four (4) to zero (0).

4. **Family Planning Funds Acceptance:** Consideration of a request to accept additional Family Planning funds in the amount of \$3,100 awarded to the Health Department from the NC Division of Public Health

The motion carried four (4) to zero (0).

5. **Approval of New Services Offered by the Chatham County Health Department:** Consideration of a request to approve new services offered by the Chatham County Health Department beginning FY 2004-05

The motion carried four (4) to zero (0).

6. **Interlocal Mental Health Agreement:** Consideration of a request to approve the Interlocal Cooperation Agreement for the Provision of Mental Health, Developmental Disability and Substance Abuse Services Between Orange, Person, and Chatham Counties, attached hereto and by reference made a part hereof.

The motion carried four (4) to zero (0).

7. **Resolution for the Addition of Street to North Carolina System of Secondary Roads:** Consideration of a request to adopt **Resolution #2004-36 for the Addition of Streets or Roads to the North Carolina System of Secondary Roads – Donald Drive in Kentview Subdivision Phase II (Plat Slide 98-204)**, attached hereto and by reference made a part hereof.

The motion carried four (4) to zero (0).

8. **Pittsboro-Siler City CVB Advisory Board Reappointments:** Consideration of a request to reappoint members to the Pittsboro-Siler City CVB (formerly the Chatham County Travel & Tourism Advisory Board as follows: Richard Delany (Lodging – three-year term), 2000 Fearington Village Center, Pittsboro, NC; Tracy Burnett (Recreation – three-year term) PO Box 87, Pittsboro, NC; Charles Johnson (Chamber – three-year term) 119 North Fir Avenue, Siler City, NC; and Wendy Dufour (Retail – one-year term) PO Box 1775, Pittsboro, NC

The motion carried four (4) to zero (0).

***Final Plat Review:***

9. **Final Subdivision Approval of “Laura Hills”:** Consideration of a request by Richard E. Fox for subdivision final approval of “**Laura Hills**”, consisting of 18 lots on approximately 60 acres, off State Road #1509 [Laura Johnson Road], in Hickory Mountain Township

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

1. The plat not be recorded until staff has reviewed and approved a copy of the road maintenance agreement. Said road maintenance agreement is to be recorded along with the plat in the Office of the Register of Deeds.

The motion carried four (4) to zero (0).

***Preliminary Plat Review:***

10. **Subdivision Preliminary Design Approval of “Colvard Farms, Phase V”:** Consideration of a request by Jeff N. Hunter for subdivision preliminary design approval of “**Colvard Farms, Phase V**”, consisting of 24 lots on approximately 9.3 acres, off Highway #751, in Williams Township

As per the Planning Department and Planning Board recommendation, preliminary approval of Colvard Farms, Phase V was granted as submitted

The motion carried four (4) to zero (0).

***Sketch, Preliminary, and Final Review:***

11. **Subdivision Sketch, Preliminary, and Final Approval of Two Lots in “Colvard Farm, Phase III”:** Consideration of a request by Jeff N. Hunter for subdivision sketch, preliminary, and final approval of two non-residential lots in “**Colvard Farms, Phase III**”, consisting of approximately 3.8 acres, off Highway #751, in Williams Township

As per the Planning Department and Planning Board recommendation, sketch, preliminary, and final approval of the plat was granted as submitted.

The motion carried four (4) to zero (0).

**END OF CONSENT AGENDA****PUBLIC INPUT SESSION**

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

**PLANNING AND ZONING*****Public Hearing:***

**Business Conditional Use District Request by Danny F. Thomas:** Public hearing to receive public comments on a request by Danny F. Thomas for a B-1 Business Conditional Use District with a Conditional Use Permit for self-storage facility/mini-warehouse storage facility with related retail and services (moving truck rental), on approximately 1.445 acres, off Highway #64 East, in New Hope Township

**Danny Thomas**, 107 North Pea Ridge Road, Pittsboro, NC, stated that other self-storage facilities in the area are near capacity; that his would be two-thirds climate controlled; and to his knowledge there is only one other small unit in the area that is climate controlled.

**B. Taylor Blakely**, 700 Exposition Place, Suite #105, Raleigh, NC, stated that he prepared the site plan as the landscape architect; that the existing driveway will be used; that from the street it is 8.3 feet lower than the grade of the street; that that much of the building will not be seen at all; that the building is 225 feet long and 40 feet deep; that the property will be screened with evergreens and maples; that the hollies will be approximately five feet apart; and that Japanese cedars will be planted eight feet apart.

**Conditional Use B-1 Business District Request:** Consideration of a request by **George Farrell, Jr.** on behalf of J. W. Seagroves and O.G. Gaines for a Conditional Use B-1 Business District with Conditional Use Permit for the following uses:

- Boat, trailer and other utility vehicle sales to include camper and RV rental and sales and services including boat, RV, camper and other vehicle storage
- Bait and tackle shop
- Sporting Goods Sales and camping supplies
- Self Storage/mini warehouse storage facility with related retail and services (i.e. moving truck rentals)
- Vehicle and boat wash
- Automobile sales and service to include truck accessories and truck top sales/installation graphic detailing of vehicles and boats detailing of vehicles and boats
- Rental equipment company
- Open air sales and service of accessory buildings and gazebos
- Office – business, professional and governmental

On approximately 13 acres, off Highway #64 East and State Road #1714 [Bob Horton Road], in New Hope Township

**Allison Weakley**, 311 Boothe Hill Road, Chapel Hill, NC, stated that she was concerned that Chatham County is allowing rezoning of properties for business development within the protected watershed of Jordan Lake without a plan in place; that it sets a bad precedent; that a legal basis for a conditional use permit is the five required findings; that it is her opinion that the five findings cannot be adequately assessed without a plan; that she would be happy to learn that uses eliminated were the vehicle and boat wash and automobile sales and service use as she feels that they are dangerous to the watershed; that thirteen acres with thirty-six impervious service sitting on a ridge draining into Jordan Lake is dangerous; that she would feel much better if she saw a plan with stormwater management and locations of buildings, etc.; that she understands Mr. Farrell's wanting to have some assurance that this property will be rezoned to business so that he would be able to proceed with his development plan; and that she feels that it sets a terrible precedent for Chatham County to approve a conditional use permit without a plan in place.

Commissioner Morgan moved, seconded by Commissioner Pollard, to approve **An Ordinance Amending the Zoning Ordinance of Chatham County**, attached hereto and by reference made a part hereof with the following sentence added:

This ordinance shall become effective upon confirmation that all of said thirteen acres are in common ownership within thirty days.

The motion carried four (4) to zero (0).

Commissioner Morgan moved, seconded by Commissioner Outz, to make the five required findings and to approve a **Resolution #2004-37 Approving an Application for a Conditional Use Permit for George Farrell, Jr.**, attached hereto and by reference made a part hereof with the following condition:

This Conditional Use Permit shall not become effective until all 13 acres are in common ownership and the applicant has confirmed to the County within 30 days of this date that all of said land is in common ownership.

The motion carried four (4) to zero (0).

***Sketch Design Review:***

**Subdivision Sketch Design Approval of “Strowd Subdivision”:** Consideration of a request by John Coffey for subdivision sketch design approval of **“Strowd Subdivision”**, consisting of 25 lots on approximately 75 acres, off State Road #1532 [Mann’s Chapel Road], in Baldwin Township

As per the Planning Department and Planning Board recommendation, Commissioner Morgan moved, seconded by Commissioner Outz, to grant sketch design approval of “Strowd Subdivision” with the following conditions:

1. A 20 foot wide utility easement shall be established along the common property line between Lots 11 and 12. Said easement shall be shown on the preliminary and final plants.
2. At Preliminary plat review, the applicant is to furnish a draft copy of restrictive covenants to address preserving the corn crib currently situated on lot #3 and to address ownership, responsibility, maintenance and liability of any and all ponds.
3. Unless purchased by the applicant, the outparcel as shown on the plat as Carl Craig, Jr. deed book 270, page 249, shall have a 30-foot wide perpetual easement established to give the outparcel access to Rosswood Road. Said easement shall be shown on Preliminary and Final plats.

The motion carried four (4) to zero (0).

***Zoning and Ordinance Amendments:***

**Annual 2004 Communication Tower Plan:** Consideration of Annual 2004 Communication Tower Plan request by Cingular Wireless

As per the Planning Board recommendation, Commissioner Morgan moved, seconded by Commissioner Outz, to approve the Annual 2004 Communication Tower Plan as follows:

- Site #368-293A**      Remove from plan
- Site #368-170A**      Approve co-location on existing US Cellular tower.
- Site #368-458**      Approve co-location on existing 199 foot monopole tower located on Highway #87 North
- Site #368-355, 368-386 and 368-317**      Remove site #368-355 from the 2004 plan and approve site #'s 368-386 and 368-317
- Site #368-459**      Approve a 199 foot tower
- Site #368-407A**      Approve a co-location on the existing AT&T Wireless tower off Gade Bryant Road, SR-1954 (Leon Lee property)
- Site #368-376**      Approve a 199 foot tower

The motion carried four (4) to zero (0).

## **FINANCE OFFICE**

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

Commissioner Pollard moved, seconded by Commissioner Outz, to approve Fiscal Year 2003-2004 Budget Amendments, attached hereto and by reference made a part hereof. The motion carried four (4) to zero (0).

Commissioner Pollard moved, seconded by Commissioner Morgan, to approve the change order to Turner Murphy Company giving the County Manager authority to sign. The motion carried four (4) to zero (0). The change order is attached hereto and by reference made a part hereof.

**Fiscal Year 2004-2005 Budget Amendments:** Consideration of a request to approve Fiscal Year 2004-2005 Budget Amendments

Commissioner Pollard moved, seconded by Commissioner Outz, to approve Fiscal Year 2004-2005 Budget Amendments, attached hereto and by reference made a part hereof. The motion carried four (4) to zero (0).

Commissioner Morgan moved, seconded by Commissioner Pollard, to take action on the additional 2004-2005 amendments, attached hereto and by reference made a part hereof. The motion carried four (4) to zero (0).

## **BOARD AND COMMITTEES**

**Adult Care Home Committee Appointment:** Consideration of a request to appoint a member to the Adult Care Home Committee 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

This appointment was deferred until a later date.

### **MANAGER' S REPORTS**

The County Manager reported on the following:

#### **Honeywell Tax Appeal:**

Attorney Charles Meeker has been contacted and has agreed to represent the County in the Honeywell tax appeal at a rate of \$275.00 per hour.

Commissioner Morgan moved, seconded by Commissioner Outz, to approve the hiring of Charles Meeker for the Honeywell tax appeal, retroactive to July 1, 2004. The motion carried four (4) to zero (0).

### **COMMISSIONERS' REPORTS**

#### **Sheriff's Wrecked Vehicles:**

Commissioner Outz asked that information be gathered on the number of vehicles that have been wrecked due to car chases within the Sheriff's Office during the last year or so, how much the County's insurance has increased as a result of the wrecks, and the total cost involved.

#### **Site Plan Approval Policy:**

Commissioner Morgan asked that the Planning Board entertain the idea of returning to the policy of not approving zoning changes or conditional use requests before the site plans had been submitted.

#### **Highway Bypass:**

Commissioner Pollard asked that in making a Board recommendation, with regard to the Pittsboro/Highway #15-501 bypass, that it conform to the Chatham County Land Use Plan.

#### **Deer Population:**

Commissioner Outz asked that the deer days/hunting season be extended to thin the deer population in the County.

#### **Letters of Appreciation:**

Bill Lowry asked if it would be appropriate for the County to officially thank the Chatham County Agri-Business Council who paid for positive ads in the newspaper promoting the water bond.

By consensus, the Board agreed to have the County Manager draft thank you letters for the Chairman to sign in this matter.

**ADJOURNMENT**

Commissioner Pollard moved, seconded by Commissioner Morgan, that there being no further business to come before the Board, the meeting be adjourned. The motion carried four (4) to zero (0), and the meeting was adjourned at 7:35 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