

**MINUTES**  
**CHATHAM COUNTY BOARD OF COMMISSIONERS**  
**REGULAR MEETING**  
**OCTOBER 18, 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 October 18, 2004.

Present: Chairman Tommy Emerson; Vice Chair Carl Outz; Commissioners Margaret Pollard, Bunkey Morgan, and Bob Atwater; 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 6:00 PM.

**PLEDGE OF ALLEGIANCE AND INVOCATION**

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

**AGENDA**

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

Commissioner Morgan asked that a Closed Session be added as the last item on the Agenda to discuss personnel.

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 Morgan asked that Item #2, Consideration of a request to approve tax releases and refunds and Item #8, Consideration of a request to adopt a Resolution Setting the Time and Place of Its Regular Meetings for the Chatham County Board of Commissioners for Calendar Year 2005 be removed from the Consent Agenda and placed on the Regular Agenda for discussion.

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

1. **Minutes:** Consideration of a request for approval of Board Minutes for Regular meeting held October 04, 2004 and Work Session held October 04, 2004, Recessed meeting (from

September 20, 2004) held October 04, 2004, and Recessed meeting (from October 4, 2004) held October 7, 2004

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

~~2. **Tax Releases and Refunds:** Consideration of a request to approve tax releases and refunds~~

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

3. **Late Application for Property Tax Exemption:** Consideration of a request to approve late application for property tax exemption for Siler City Iglesia de Dios/Church of God, attached hereto and by reference made a part hereof.

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

4. **Final Subdivision Approval of "Rosemont Subdivision, Phase III":** Consideration of a request by Chatham Development Corporation for subdivision final approval of "Rosemont Subdivision, Phase III", consisting of 23 lots on 125 acres, located off State Road #1731, (O'Kelly Church Road), Williams Township

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

1. The plat not be recorded until the county attorney has approved the financial guarantee.
2. The plat not be recorded until staff has received septic permits from NCDENR; Division of Water Quality for lots requiring a state approved system. Said lots are designated on the plat with their permit numbers.

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

5. **Sketch Design Approval of "Shambley Meadows":** Consideration of a request by Harold M. Howard for subdivision sketch design approval of "Shambley Meadows", consisting of 23 lots on 43 acres, located at the intersection of State Road #2165 (Hadley Mill Road) and State Road #2167 (Jay Shambley Road), Hickory Mountain Township

As per the Planning Department and Planning Board recommendation, sketch design approval of the plat was granted as submitted with the addition of right-of-way width, if necessary, to cross the creek to the Clark property.

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

6. **Sketch, Preliminary, and Final Approval of "Moncure Volunteer Fire Department:** Consideration of a request by Moncure Volunteer Fire Department for subdivision sketch, preliminary, and final approval of "Moncure Volunteer Fire Department", consisting of 1 non-residential lot on 4.50 acres, located at the intersection of State Road #1011 (Old US Highway #1) and State Road #1972 (Pea Ridge Road), Cape Fear Township

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

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

7. **Road Names:** Consideration of a request from citizens to approve the naming of private roads in Chatham County as follows:

- A. **Friendship Lane**
- B. **Cobblestone Lane**
- C. **Lasater Thomas Road**

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

8. ~~**Resolution Setting Time and Place of Board of Commissioners' Meetings for 2005:**~~  
~~Consideration of a request to adopt a **Resolution Setting the Time and Place of Its Regular Meetings for the Chatham County Board of Commissioners for Calendar Year 2005**~~

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 public comments.

**TAX DEPARTMENT**

**Tax Releases and Refunds:** Consideration of a request to approve tax releases and refunds

Commissioner Morgan asked about the releases for Robert Ferguson who had four listings as “septic fields”.

The County Manager stated that he would research the matter and have an answer at a later date.

Commissioner Morgan moved, seconded by Commissioner Atwater, to approve the Tax Releases and Refunds deleting the four releases for Robert Ferguson listed as “septic fields” as requested. The motion carried five (5) to zero (0). The releases and refunds are attached hereto and by reference made a part hereof.

**BOARD OF COMMISSIONERS' MATTERS**

**Resolution Setting Time and Place of Board of Commissioners' Meetings for 2005:**  
 Consideration of a request to adopt a **Resolution Setting the Time and Place of Its Regular Meetings for the Chatham County Board of Commissioners for Calendar Year 2005**

Commissioner Morgan asked that an additional meeting (the first Monday in the month) in the month of March be added to the calendar due to the anticipated workload increase from the Planning Department during that time and due to the fact that the Board has not attended the NACo meetings in

Washington, DC in several years.

Commissioner Morgan moved, seconded by Commissioner Outz, to approve **Resolution #2004-46 Setting the Time and Place of Its Regular Meetings for the Chatham County Board of Commissioners for Calendar Year 2005** with the inclusion of an additional March meeting, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

## **PLANNING DEPARTMENT**

**Change in Existing Zoning District and Conditional Use Permit:** Consideration of a request by IS Development Company, LLC on behalf of North Chatham Park, Lot # 5 to change the existing zoning district and conditional use permit from Light Industrial Conditional Use District with Conditional Use Permit for Mini-Warehouse Storage Facility to B-1 Conditional Use District with Conditional Use Permit for restricted B-1 uses, on 5.63 acres, off Highway #15-501 North, Williams Township

Commissioner Atwater moved, seconded by Commissioner Morgan, to adopt **An Ordinance Amending the Zoning Ordinance of Chatham County to Rezone the Property from Light Industrial Conditional Use District to B-1 Conditional Use District**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Commissioner Morgan moved, seconded by Commissioner Pollard, to adopt **Resolution #2004-47 Approving an Application for a Conditional Use Permit for IS Development Company, LLC**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

As per the Planning Board recommendation, Commissioner Atwater moved, seconded by Morgan, to approve the request by IS Development Company, LLC for subdivision sketch, preliminary and final approval of "Subdivision of Lot 5, North Chatham Park", consisting of two (2) non-residential subdivision lots, on 5.63 acres, located off Highway #15-501 North, Williams Township. The motion carried five (5) to zero (0).

**Sketch, Preliminary, and Final Approval of "Subdivision of Lot 5, North Chatham Park":** Consideration of a request by IS Development Company, LLC for subdivision sketch, preliminary and final approval of **"Subdivision of Lot 5, North Chatham Park"**, consisting of two (2) non-residential subdivision lots, on 5.63 acres, located off US Highway #15-501 North, in Williams Township

As per the Planning Department and Planning Board recommendation, Commissioner Morgan moved, seconded by Commissioner Atwater, to grant sketch, preliminary, and final approval of the plat. The motion carried five (5) to zero (0).

**Revision to Existing Light Industrial Conditional Use District:** Consideration of a request by Bill & Judy Akridge on behalf of Chatharidge Self Storage for a revision to an existing Light Industrial Conditional Use District with Conditional Use Permit for mini-warehouse storage facility to add additional land (.63 ac) and to add one (1) additional storage building, on 3.11 acres, off State Road #1724 (Old Lystra Road), Williams Township

As per the Planning Department and Planning Board recommendation, Commissioner Atwater moved, seconded by Commissioner Pollard, to adopt **An Ordinance Amending the Zoning Ordinance of Chatham County to Rezone the Property from RA-40 to Light Industrial Conditional Use District**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Commissioner Morgan moved, seconded by Commissioner Outz, to adopt **Resolution #2004-48 Approving an Application for a Conditional Use Permit Revision for Chatharidge Self Storage**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

**Request to Change Existing Zoning District and Conditional Use Permit:** Consideration of a request by George Farrell on behalf of Farrell's Self Storage, Inc. to change the existing zoning district and conditional use permit from Light Industrial Conditional Use District with Conditional Use Permit for Mini-Warehouse Storage Facility to B-1 Conditional Use District with Conditional Use Permit for Self-Storage facility / mini-warehouse storage facility with related retail and services (i.e. moving truck rental), on 4.73 acres, off State Road #1717 (McGhee Road), Williams Township

Commissioner Atwater moved, seconded by Commissioner Outz, to adopt **An Ordinance Amending the Zoning Ordinance of Chatham County to Rezone the Property from Light Industrial Conditional Use District to B-1 Conditional Use District**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Commissioner Morgan moved, seconded by Commissioner Outz, to adopt **Resolution #2004-49 Approving an Application for a Conditional Use Permit for Farrell's Self Storage**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

**Conditional Use Permit Within Existing RA-40 Zoning District:** Consideration of a request by David Moser – Pipeline Utilities on behalf of Lovelia Edwards for a Conditional Use Permit within the existing RA-40 zoning district for a Contractor's plant, storage yard and staging area, on 11.50 acres, off State Road #1724 (Old Lystra Road), Williams Township

After considerable discussion, Commissioner Pollard moved, seconded by Commissioner Morgan, to adopt **Resolution #2004-50 Approving an Application for a Conditional Use Permit for David Moser – Pipeline Utilities**, attached hereto and by reference made a part hereof. The motion carried four (4) to one (1) with Commissioner Atwater opposing.

#### **RECESS**

The Chairman called for a ten-minute recess.

#### **BRIAR CHAPEL PROCEDURES**

The Planning Director discussed revised procedures and time limits for the second Briar Chapel public hearing to be held on Tuesday, October 19, 2004.

After considerable discussion, Commissioner Morgan moved, seconded by Commissioner Pollard, to approve the new set of guidelines as recommended by the Planning Director. The motion carried four (4) to one (1) with Commissioner Atwater opposing. The revised procedures are attached hereto and by reference made a part hereof.

#### **MANAGER' S REPORTS**

The County Manager reported on the following:

##### **Raw Water Withdrawal Request:**

A request by Jeff Hunter on behalf of Colvard Farms for raw water withdrawal from Jordan Lake has been made.

After considerable discussion, Commissioner Morgan moved, seconded by Commissioner Outz, to approve a 27 million gallon withdrawal of raw water over a period of six months to end on April 30, 2005 at an initial rate of \$ .30 per thousand gallons, to be discontinued if the water level drops. The motion carried five (5) to zero (0). The contract is attached hereto and by reference made a part hereof.

## **COMMISSIONERS' REPORTS**

### **Educational Facilities Impact Fee:**

Commissioner Morgan moved to form a committee to study updating the Educational Facilities Impact Ordinance, the districts, and fees. Commissioner Outz seconded the motion.

Commissioner Morgan suggested that the study committee be comprised of (1) County Commissioner, (1) school board member, (1) County senior management representative, and (1) senior school administration staff, and (1) at-large member to be chosen by the committee.

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

### **Stockyard Project:**

Commissioner Morgan asked what happened to the funds appropriated for the Stockyard project that could not be spent due to the time lapse.

The County Manager explained that the consultant caught the time element to late to do anything about it and that everyone was surprised that there was a date beyond which the project scope could not be amended.

## **PUBLIC INPUT SESSION**

**Rosa Sutton**, stated that she was back before the Board asking why small business was not being considered the way it should be considered for County contracts. She asked why things are still being monopolized in the system. She informed the Board of a dilemma regarding transportation for a member of Mr. Alton Headen's family. She asked for help in correcting this problem.

After considerable discussion, the Chairman suggested that Ms. Sutton contact an attorney to review the contract and obtain advice on any recourse in renegotiating the contract.

## **CLOSED SESSION**

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

## **REGULAR SESSION**

Commissioner Morgan moved, seconded by Commissioner Pollard, to adjourn from Closed Session and reconvene in Regular Session. The motion carried five (5) to zero (0).

## **COMMISSIONERS' REPORTS**

### **Septic Tank:**

Commissioner Outz asked if there was anything that the Board could do to help the gentleman who dug his own septic tank but failed to get a permit stating that the system was installed in field dirt.

After considerable discussion, the Board decided to leave the matter to Environmental Health.

**Employee Recognition:**

The Chairman recognized two employees, Renee Dickson and Sandra Sublett, on their eleventh anniversary of working for the County.

**Judicial Review Team:**

Commissioner Atwater asked for permission for the County Manger to establish a judicial center review committee similar to that of the Orange County team.

By consensus, the Board agreed.

**Briar Chapel Public Hearing:**

The County Manager reminded everyone of the Briar Chapel public hearing to be held on October 19, 2004, 6:30 PM, at Northwood High School, Pittsboro, NC.

**ADJOURNMENT**

Commissioner Morgan moved, seconded by Commissioner Outz, 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 9:51 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