

**MINUTES**  
**CHATHAM COUNTY BOARD OF COMMISSIONERS**  
**REGULAR MEETING**  
**APRIL 16, 2012**

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The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met in the Agricultural Building Auditorium, 45 South Street, Pittsboro, North Carolina, 6:00 PM on April 16, 2012.

Present: Brian Bock, Chairman; Commissioners Mike Cross, Sally Kost, and Pamela Stewart

Absent: Walter Petty, Vice Chair

Staff Present: Charlie Horne, County Manager; Jep Rose, County Attorney; Vicki McConnell, Finance Officer; Sandra B. Sublett, Clerk to the Board; and Lindsay Ray, Deputy Clerk to the Board

**INVOCATION AND PLEDGE OF ALLEGIANCE**

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

**CALL TO ORDER**

Chairman Bock welcomed those in attendance and called the meeting to order at 6:01 PM. He explained that Commissioner Petty was on his annual trip to Haiti.

**AGENDA AND CONSENT AGENDA**

Chairman Bock explained that there had been two requests as follows:

- Commissioner Kost asked that Item #4, Chatham County Backup 911 Communications Center Project Ordinance, be removed from the Consent Agenda and placed on the Regular Agenda for discussion.
- Commissioner Kost asked that Item #9, Juvenile Crime Prevention Council (JCPC) Funding Plan be removed from the Consent Agenda and placed on the Regular Agenda for discussion.

Commissioner Cross moved, seconded by Commissioner Stewart, to approve the Agenda and Consent Agenda with the noted requests as follows:

**APPROVAL OF AGENDA and CONSENT AGENDA**

1. **Minutes:** Approval of Board Minutes for the Work Session held February 20, 2012, the Work Session held March 19, 2012 and the Regular Session held March 19, 2012

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

2. **Tax Releases and Refunds:** Vote on a request to approve the tax releases and refunds, attached hereto and by reference made a part hereof.

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

3. **Phone System for 911 Back Up Center:** Vote on a request to approve the purchase of a Motorola MCC5500 phone system and back room equipment for the Siler City 911 Back-up Center in the amount of \$497,032.87

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

- ~~4. **Project Ordinance for 911 Backup Center:** Vote on a request to adopt the **Chatham County Backup 911 Communications Center Project Ordinance**~~

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

5. **AHAC Appointments:** Vote on a request to approve recommended Affordable Housing Advisory Committee (AHAC) applicants

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

6. **Random Moment Time Study Funds:** Vote on a request to approve Random Moment Time Study Funds Reduction in the amount of \$56,489.00

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

7. **Food and Lodging State Funds:** Vote on a request to accept \$3,521.00 Food and Lodging additional State Funds, Distribution #2

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

8. **Travel and Tourism Week Proclamation:** Vote on a request to adopt **National Travel & Tourism Week Proclamation #2012-15**, attached hereto and by reference made a part hereof.

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

- ~~9. **Juvenile Crime Prevention Council (JCPC) Funding Plan:** Vote on a request to approve the Juvenile Crime Prevention Council (JCPC) funding grid~~

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

10. **Sanford Interconnect Booster Pump Stations:** Vote on a request to award bid for the Sanford Interconnect Booster Pump Stations to AC Schultes in the amount of \$1,154,250.00 and authorize Charlie Horne, County Manager, to sign the contract on behalf of the County

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

11. **Piedmont Food & Agriculture Processing Center Appointment:** Vote on a request to appoint Debbie Roos, Angelina Kay, and Joe Mosnier to the Board of the Piedmont Food & Agriculture Processing Center

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

12. **Chatham County Outstanding Volunteers of 2012:** Vote on a request to adopt **Resolution #2012-16 Honoring Chatham County's Outstanding Volunteer of 2012**, attached hereto and by reference made a part hereof.

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

13. **Resolution Honoring Jordan Matthews Women's Basketball Team:** Vote on a request to approve a **Resolution #2012-17 Honoring the Jordan Matthews**

**Women's Basketball Team for Winning the 2012 State Championship in Class AA**, attached hereto and by reference made a part hereof.

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

**END OF CONSENT AGENDA**

**PUBLIC INPUT SESSION**

**Molly Matlock**, 62 East Road, Pittsboro, NC, Executive Director Chatham County Arts Council, presented her comments to the Board and provided them in their entirety for the record as follows:

“My name is Molly Matlock, and I am Executive Director of the Chatham County Arts Council. First, thank you very much for the work you do. Yours is an important, sometimes thankless, and very, very difficult job.

Running a non-profit is all of those things sometimes as well, so I feel a great deal of recognition and admiration for anyone willing to dedicate their focus and energy to serving the people of their community.

I'm here to talk with you tonight because **arts mean business**, and I want you to know that I am listening, and I heard you **when you say that arts is not making a strong enough economic case for investment**. Last week in Siler City, I heard ‘show us the numbers’.

So, I wanted to take some time to address some of the questions you shared, indicating your desire to hear more economic impact figures.

First, I agree that these are needed, and Chatham has needed a full economic impact study, a good one, conducted by a research firm instead of students. An effective countywide report can cost about \$30,000; but most agencies first need to meet their staffing and facilities needs before this can become an affordable expense.

Still, a report is necessary in order to accurately establish the economic return yielded by all of the combined arts efforts county-wide. I hope that by creating partnerships across our arts agencies, private, and public sectors, we can afford to get a full and detailed report.

However, **ChathamArts** does know that we **yield more than a 300% return on our expenses/investment** in the community. **Last year**, we spent \$106,481, which resulted in **\$395,948 in local spending**. We calculate this using:

- An economic impact calculator ([http://www.americansforthearts.org/information\\_services/research/services/economic\\_impact/aepiii\\_calculator.html#fineprint](http://www.americansforthearts.org/information_services/research/services/economic_impact/aepiii_calculator.html#fineprint)) designed to quantify multiplier effect spending based on our income and expense data,
- Surveys of visitor & event attendee spending,
- Head counts for all of our events *and services* (see *ChathamArts' county grant request*).

I can't speak for all of the other arts agencies, but I also know that Shakori Hills' economic impact is between \$1,000,000 - \$2,000,000.

**Last Year, ChathamArts served more than 12,000 visitors and residents. Sixty percent were from outside the county** and had discovered Chatham County b/c of the arts atmosphere and b/c of creative retail venues like the Open Studio Tour, Mark Hewitt's Pottery, Beggars & Choosers, and our local art galleries.

This year, our attendance was already at 11,000 by mid-year, so by the end of the fiscal year, we expect our attendance to exceed what we recorded last year.

In addition, through our Grassroots Granting program, we annually grant a minimum of \$8,000 to other Chatham County non-profits who want arts programming of their own. **Since 2001, we have given more than \$109,000 to other non-profits such as Family Violence Rape Crisis Services, Childcare Networks, Chatham Trades, and so many more.** We see that as a huge return and reinvestment in the community county-wide.

Also, last week in Siler City, you asked if there are other good success stories of county investment in local arts. There are loads of them in our own state. Ashe, Cabarrus, and Alamance Counties have all experienced periods in which their downtowns were dead and they had trouble attracting new visitors, residents or industries b/c of it.

As a successful solution, they built public private partnerships in which local government, private donors, state government, and other private businesses and funders developed a strategic vision for investing in the local arts infrastructure: arts non-profits, public art, and arts in education initiatives. Those areas have not only weathered the economic downturn, they have thrived in them. The entire counties have been transformed.

**- In Ashe County, county government gives \$32,500 to the local arts council alone, and that's not their only arts and tourism investment.**

- Alamance County Government gives \$67,425 to their county arts council,
- Cabarrus also invests \$76,000 in their local arts council alone.

Many, many county governments do, b/c they have read the state arts councils arts & economic impact survey among much other research:

See:

<http://www.ncarts.org/elements/docs/CreativeNCStats2011.pdf>

[http://www.ncarts.org/elements/docs/CommerceEconomicContributionReport\\_June2009.pdf](http://www.ncarts.org/elements/docs/CommerceEconomicContributionReport_June2009.pdf)

<http://www.ncarts.org/elements/docs/LG07-08.pdf>

Each arts agency in the county does something extremely unique and important for all economic, geographic, and cultural backgrounds. Plus, arts is non-partisan, which should be refreshing for *everyone*. As Luana Luconi Winner's quote asserts, arts reach across political divides and uplifts us ALL.

ChathamArts does this by spending our income on:

1. Our ClydeFEST Old-Fashioned Kids Folk Art Carnival, which attracts between 600 and 1,000 attendees annually from all backgrounds. See Sunday arts cover N&O article: <http://www.newsobserver.com/2012/04/15/2002749/clydefest-is-for-the-young-uns.html>.
2. An afterschool filmmaking program for Siler City at-risk youth in which students learn all aspects of filmmaking from cinematography, to audio engineering, to digital editing to public relations.

Students present their work to public audiences in Pittsboro and Siler City. At one presentation, a 17-year old presenter was recruited by a speaker's bureau representative in attendance.

3. Classroom Artist Residencies that use arts to teach core curricula like science and math. Students who participate are four times more likely to graduate, to pursue higher education, and to volunteer in their communities.

See:

[http://www.artsusa.org/pdf/get\\_involved/advocacy/research/2010/ready\\_innovate2010.pdf](http://www.artsusa.org/pdf/get_involved/advocacy/research/2010/ready_innovate2010.pdf)

[http://www.artsusa.org/pdf/get\\_involved/advocacy/research/2010/artsed\\_facts2010.pdf](http://www.artsusa.org/pdf/get_involved/advocacy/research/2010/artsed_facts2010.pdf)

4. ChathamArts hosts monthly film screenings that only feature NC filmmakers, which boasts our visibility for location scouts as well as our local film industry. Two of our films were short-listed for the 2012 Academy Awards. We also bring famed filmmakers like Angus MacLachlan & “Rhett & Link” here for our Q&A sessions. See: [http://en.wikipedia.org/wiki/Angus\\_MacLachlan](http://en.wikipedia.org/wiki/Angus_MacLachlan)

And

<http://rhettandlink.com/>

We offer summer youth camps and youth arts classes as well as classes for grown ups. <http://www.chathamarts.org/classes-camps/>

5. We do a Fall Bluegrass Concert that always sells out and showcases our famed traditional music heritage. <http://chathamarts.org/blog/nc-is-a-great-place-to-grow-michael-tiemann>

And so much more.

Over the past three years, **I’ve met more than 20 people annually (yes, I keep track), who have told me that they moved here specifically b/c of the creative population** and the grassroots-level art atmosphere that excites them and lends them a sense of community.

Still, I have watched business after business close and friend after friend move away b/c they saw more creativity-based businesses thrive in other places like Durham and Saxapahaw.

This frightens me, b/c I know what a strong arts infrastructure & foundation is building beneath the visible surface.

- We have the largest music recording studio on the eastern seaboard, Manifold Recording. There is huge buzz about it in the national music industry.  
[http://mixonline.com/studios/profiles/on\\_cover\\_manifold\\_recording/](http://mixonline.com/studios/profiles/on_cover_manifold_recording/),
- <http://www.newsobserver.com/2011/05/15/1195997/a-vision-of-sound-symmetry.html>.
- We have Steampunks that transform Pittsboro with weekend cabaret, attracting large crowds from Greensboro, Winston-Salem, and Raleigh.
- We have Shakori Hills presenting musicians like Nancy Griffiths and Bela Fleck to thousands of visitors on their gorgeous 72-acre farm twice annually.
- Secretary of the NC Department of Cultural Resources has identified Chatham County as huge new players in building a creativity-based economy.
- We have Shakori Hills, Siler City Galleries, the founding NC open artist studio tour, a robust arts council that supplements public education, economic development, property values and real estate appeal, and community connection.
- Visibility in the news statewide : ClydeFEST alone just received an arts cover story in the Raleigh N&O (among a number of other stories there): <http://www.newsobserver.com/2012/04/15/2002749/clydefest-is-for-the-young-uns.html>

The point is: There’s incredible creative and innovative energy in Chatham, and people are discovering us.

**I personally want you to be direct participants in this energy.**

**Your voters will notice!**

This weekend, I heard a powerful story about what's called an "escape fire." Are you familiar with this term? It's a fire lit to clear an area of vegetation when another fire is approaching and no other escape exists. The term was coined following the deadly "Mann Gulch Fire in Montana when fireman, Wag Dodge used this technique after the fire blew up and put the safety of him and his team at risk.

He directed them to create these escape fires, which he promptly did. The concept was new to the others however, and they didn't trust it. And they perished.

In my position and as a citizen who cares deeply about Chatham County, I often feel like arts are one of our escape fires that we too often ignore. The infrastructure is already built, but we *must* have a public & private investment to help it sustain and grow. Very few successful projects such as the American Tobacco Warehouse could have succeeded without both public and private partnership.

See:

<http://www.americanunderground.com/news/>

&

<http://www.youtube.com/watch?v=LbFLKzxxzFI> (**triple helix refers to public private partnership model**)

Please know that ChathamArts is not looking for handouts. Our arts leaders *are* looking for investment, a listening and open ear, and the level of public private partnership necessary to sustain the amazing creative economy that arts and artists have long been nurturing here.

There are arts non-profit and volunteer initiatives happening across the county that exist for no other reason than to make our communities stronger, better, more healthy, connected, vibrant places to be.

Again, there's inspiration everywhere when we just seek out our artists and find out about all of the inspiring creative energy we have around us.

If we "let the beauty we love, be what we do," our quality of life will increase. As that increases, our public education system and our local economy naturally improve. But we must invest in the qualitative impact before we will see the quantitative impact. Please take time to notice both the qualitative impact and the quantitative impact arts are already making in our county.

Arts help you do your job better and help serve your voters in ways they desperately want and need. Voters from all backgrounds.

Arts are a powerful tool for you as local officials if you will allow us to be.

Thank you for your time, attention and service."

**Randy Dye**, 173 Olde Farm Road, Pittsboro, NC, presented his comments to the Board and provided them in their entirety for the record as follows:

"Last week I watched WRAL news regarding the Fracking event at Fearington Village. It appeared it turned into a circus, watching adult females singing fracking sucks. Even our volunteer environmental group in my humble opinion appears to be more of a activist lobbying radicalism than bio science. We seen where global warming was a total hoax, even scientific research was manipulated for reasons of money a green energy. We've seen where billions of tax payer dollars lost on green energy as research plants have gone belly up. Fossil fuel will always be the cheapest and most functional source of energy. The green movement is killing the middleclass, even worse, the poor. Metric tons of cheap natural gas here in NC, but I do agree honest and common since precautions should always

be taken, but you do not just throw out a idea for a energy source, just because of hazards they may come with it. I mean, it's a hazard every time I get into my car.

And thankfully the public is waking up to UN Agenda 21 and more counties are dropping out of the **ICLEI-Local Governments for Sustainability USA** which is a 501(c)(3). I worked with WAKE County groups successfully and now the county government has opted out of this program.

And Ms. Sally Kost, I first saw you a few years back with another former Commissioner leading a rally with 'Moveon.org' in front of Senator Hagen's office in Raleigh supporting "Obamacare" as we were counter-protesting at the same time. It is for this reason of your ultra liberal views and political ideology that is destroying this state and nation, I will come right out and tell you publically. I'm going to do everything peacefully and legally in my power to have you voted out of office."

**Jeffrey Starkweather**, 590 Old Goldston Road, Pittsboro, NC, stated that he was present to oppose the two resolutions, one on fracking and the other on voter ID. On the fracking resolution, he noted that there was nothing on consumer protection, nothing about the Department of Commerce not finding any economic benefit, but the bottom line is, the notion of a model enterprise. The fact is, that no one in this State has made any case that this will be an actual economic benefit for our County and/or our State weighing the costs and the benefits. He stated that all of the energy that we could take out of the ground in North Carolina would have zero impact on the price of natural gas. Because of the surplus of gas that we have, it has no impact on energy security. Until we can make an economic case, then we should stop it now. State money is being wasted on this.

On the Voter ID Resolution, he stated that it seems to him that our legislators went to Raleigh to create jobs. In this resolution, what they are trying to do is eliminate voters. He stated that he sees this resolution as a solution in search of a problem as there is no evidence of voter fraud in Chatham County of which he is aware. This bill has been estimated to cost twenty million dollars over thirty years. Up to a million voters could face significant obstacles in voting. Research in other states has found that the people who are hurt by this tend to be low-income, people with low education, minorities, and seniors. He stated that he sees this as a partisan, political resolution.

**Kathleen Hundley**, 136 Rocky Falls, Sanford, NC, presented her comments to the Board and provided them in their entirety for the record as follows:

"My name is Kathleen Hundley and I have lived for the last nearly 30 years at 136 Rocky Falls in the Southeast corner of Chatham County. I would like to speak briefly to the fracking issue that is on tonight's agenda.

Citizens of Chatham County and adjacent counties that would be effected if fracking in the shale belt under Lee and Chatham Counties were to proceed have already asked the Chatham County Board of Commissioners to send their request to the Legislature to wait for ANY action with regard to fracking until adequate hard scientific research is carried out into risks to natural water sources. Knowing how hard-hit central North Carolina has been during the last major drought of 2008, 2009, 2010, the loss of water by natural causes is already a threat for this summer and may become a greater concern in the future. Why would we even think of adding another risk to both quantity and contamination of the water we need and may lose to the change in climate? Noting that the request has already been made by the citizens of Chatham County, I'm surprised that this issue has surfaced yet again. I can assure the Board that the citizen voice has NOT changed its message, quite the contrary. The more recent information we have received addresses earthquakes the have followed the fracking process and that scientific study has determined the relationship of earthquakes to deep horizontal drilling that is a part of the fracking process. That anyone could still consider moving ahead with fracking is hard to believe in the face of hard science that has addressed both the water consumption requirements, likely contamination by fracking chemicals and by newer reports from scientific examination of earthquakes that are threatening to unstablized conditions in areas where fracking has and is taking place.

So, once again, I urge the Chatham County Board of Commissioners to in turn urge the North Carolina Legislature to exercise caution and patience until this part of the country KNOWS what the threat and risks will be and what we can depend will be the cost of putting our water and natural foundation up for a ‘quickbuck.’”

**Elaine Chiosso**, 1076 Rock Rest Road, Pittsboro, NC, stated that the Voter ID issue is a complete non-issue. She stated that she has not seen any facts that say that fraud is a problem in our national elections. It is something of which we should be proud in this country and not try to find a problem that doesn’t exist. From the beginning, only white, land-owning males could vote. Over the centuries, we have removed those barriers. She doesn’t see any reason to go backwards and put up barriers that would affect the poor, elderly, and others that do not have the power to have this stopped.

As the Haw Riverkeeper, she stated that the resolution regarding fracking does not say anything. It is not asking the General Assembly to do anything that the General Assembly doesn’t already know. We need to have very specific facts about how Chatham County could be hurt by fracking including public health, water supply, etc. Fracking could happen under Jordan Lake, as there is shale basin under the lake, and the land surrounding it could gravely impact our water quality. There could be problems of drought, air pollution, and landowners being cheated by gas companies who are doing some really bad leases. Now we have a developer in Chatham County that has severed the mineral rights from properties that they are selling. We have some very specific problems that should be in the resolution. The resolution should be telling the General Assembly that we need to make sure our law is not changed in North Carolina until all the problems are addressed. We are lucky to have laws preventing fracking. We do not want to have the same problems as they did in Pennsylvania, New York, and out west. We should be creating an ordinance where they ban fracking in their jurisdictions. The resolution should set up the points outlining what is wrong with fracking for Chatham County, and use it as a later document where we could have a later ordinance banning it.

**Gina Harrison**, 500 Roads End, Pittsboro, NC, presented her comments to the Board and provided them in their entirety for the record as follows:

“My name is Gina Harrison. I’m an arts education advocate living and volunteering in Chatham County for almost 30 years. I was founding president of the NHS Arts Education Foundation (NHSAEF) and currently serve on the boards of ChathamArts and ArtsNC, the statewide arts advocacy organization. I would like to speak about the importance of your support for the arts and arts education in our community.

### **Benefits of Arts in NC**

In addition to improving the quality of life and promoting communities to new residents and business, the creative community offers tangible, economic benefits. As of 2009 in NC, this industry created and sustained almost 300,000 jobs, generated \$10 billion in employee compensation, and produced more than \$40 billion in goods and services.<sup>1</sup> In metropolitan areas it’s easy to see how the Durham Performing Arts Center or the NC Museum of Art, for example, attract tourist dollars and contribute to the larger economy. In more rural communities, we need to look closer at the benefits investment in the arts brings. In Chatham County, our vibrant arts education program emphasizes these benefits. This is especially important as recent findings from longitudinal studies of over 20 years confirm that sustained involvement in strong arts programs are associated with increased college enrollment and attainment, and greater civic engagement, with higher levels of volunteering, voting, and participation in local and school politics. And these findings are *most* significant for at-risk and disadvantaged students.<sup>2</sup>

### **Arts Education in Chatham**

Arts Education has had sustained support from the County Commissioners, the Board of Education, and the administration of Chatham County Schools for many years. Investments made more than 30 years ago, continue to provide unique opportunities for



students and recognition for achievements. Distinguished faculty, dedicated students, and involved community members, organizations, and businesses work to make arts education one of the hallmarks of the school system, a fact often mentioned by local real estate agents and websites.

I'd like to note highlights at Northwood High School, since that has been the focus of my volunteer work. But certainly arts residencies at Margaret Pollard, the documentary film program at Sage, professional development workshops in the arts at Woods School, and the establishment of the new arts education foundation at Jordan Matthews also attest to strong community support and involvement across the entire county.

A decade ago in 2002, the NHS Arts Education Department was the only high school in North Carolina to receive the prestigious *Creative Ticket School of Excellence Award*, presented by the Kennedy Center for the Performing Arts, for its comprehensive and outstanding Arts Education programs.<sup>3</sup> Today, those junior faculty members lead the current department and they and their students have continued to excel. They have earned board certification, advanced graduate degrees, statewide and national recognition, and numerous grant awards to supplement and expand learning opportunities for their students.

Northwood is one of only 12% of the public schools in the nation to offer high school dance studies.<sup>4</sup> It has the distinction of being the oldest public high school dance program in North Carolina. In addition NHS has one of the few National Honor Societies in Dance Arts in a typical NC high school. With its establishment, Northwood now has honor societies in all arts disciplines (National Art Honor Society, Tri-M International Music Honor Society, and International Thespian Society). We are excited that senior Julia Sloane has been selected as 2012 Regional Finalist for the *NDEO Artistic Merit, Leadership, and Academic Achievement Award*.

Student achievement can be seen by participation and honor recognition in the annual Scholastic Art Awards, area Marching Band competitions, NC All-District Band, NC All-State Choral Festival, Central District Band Festival, Governor's School, and All-County Chorus. Our students attract thousands of dollars in scholarship funds to continue their studies. Last year three of the major arts departmental awards at East Carolina (Outstanding Senior in the Musical Theatre Program, Outstanding Senior in Dance Performance, and Outstanding Senior in Dance Education) all were awarded to Northwood High School alumni. Our students are pursuing undergraduate degrees in music performance, music education, theatre, visual arts, advertising, dance, fashion design, and filmmaking, just to name a few. Others have graduated with honors, performed at Carnegie Hall, entered graduate programs, and begun to work professionally, not only in the arts, but as scientists, engineers, doctors, teachers, journalists, and international relief workers.

Faculty grants and community investment have provided residencies, workshops, and master classes so students have the opportunity to meet and learn from world-class performers and educators. Drama students participated in the NEA-funded *Shakespeare in American Communities Program* with UNC Playmakers and their teaching artist David McClutchy. Distinguished educator Dr. John Brown, head of Duke's Jazz program, provided master classes, as did the Lula Washington Dance Company from Los Angeles. The Glenn Miller Orchestra has visited, as have performers from the *Lion King* national tour, the renowned musician, composer and educator Stanley Baird, and six-time Grammy nominee, jazz vocalist Nnenna Freelon. Choral instructor Marilyn Shugart was the recipient of the very first *Raising Voices Grant* from the Triangle Community Foundation last year to produce our All-County Choral Festival and expand that opportunity to middle school students. And Eugene Cottrell, previous national winner of the Mr. Holland's Opus Award, was one of only two NC music educators recognized for his work by the North Carolina Symphony, receiving the *2011 Jackson Parkhurst Award*. Arts education is a vital part of our cultural life. Visual art students participate each year in the Studio Tour Opening. Band and choral students perform at civic events. The recent NHS spring musical attracted some of our largest audiences—almost 1400 for three performances of *Seussical*. Dance concerts regularly attract audiences of 1000. Last year's *Motors for Music Car Show* had 500 visitors and this year, the organizers (the NHS Band Boosters) are expecting between 600 and 1000

visitors to Pittsboro on April 28. This organization invests \$60,000 in the school music program each year.

With this year's awards, NHSAEF will have presented \$25,000 in scholarships to students for achievements in the arts since its founding in 2007.<sup>5</sup> And a community business donation made possible the organization's largest teacher grant to date, replacing 30-year-old lighting instruments in the Benjamin J. Lee Auditorium.

Your public support for the arts and arts education is a powerful incentive for the investments of parents, community members, civic organizations, and local business. We strive to be good stewards of that support, to provide the highest caliber of educational opportunities for our students, and in turn provide results you can point to with pride in your efforts to promote Chatham County.

EndNotes

1. NC Dept. of Cultural Resources. (2009). *North Carolina's \$41 billion creative industry employs nearly 300,000*. Retrieved online at [http://www.ncarts.org/elements/docs/NCCreativeIndustryContribution\\_Overview.pdf](http://www.ncarts.org/elements/docs/NCCreativeIndustryContribution_Overview.pdf)
2. Catterall, J. S., Dumais, S. A., & Hampden-Thompson, G. (2012) *The arts and achievement in atrisk youth: Findings from four longitudinal studies*. Washington, DC: The National Endowment for the Arts. Retrieved online at <http://www.nea.gov/research/Arts-At-Risk-Youth.pdf>
3. Chatham County Schools. (2011). *About arts education* Web page. <http://bit.ly/IH1SGF>
4. Parsad, B., & Spiegelman, M. (2012). *Arts education in public elementary and secondary schools: 1999–2000 and 2009–10* (NCES 2012-014). Washington, DC: US Department of Education, Institute of Education Sciences, National Center for Education Statistics. Retrieved from <http://nces.ed.gov/pubs2012/2012014.pdf>
5. Northwood High School Arts Education Foundation. [www.NHSAEF.org](http://www.NHSAEF.org)

**Diana Hales**, 528 Will Be Lane, Siler City, NC, presented her comments to the Board and provided them in their entirety for the record as follows:

“Voter Identification to prevent fraud is a great idea if there is a factual history of voter fraud.” Chatham County does not have that experience. A few seniors who forgot they had voted early and then tried to vote on election day is not a stampede to stuff the ballot box. Those senior citizens ballots were caught as well as those who filed absentee ballots and then showed up at the polls. Our Board of Elections is vigilant and tracks early voting ballots and the absentee ballots so they can be pulled if that same person walks into their voting precinct.

This resolution is not about legitimizing the voter, it is to disenfranchise those who don't have the correct form of ID. What would that be? If a photo, not everyone drives. Some people are elderly, some voters are illiterate, some voters have physical and mental issues, some citizens just do not have transportation. Are they not citizens who deserve the right to vote? The Republicans claim to be the party of limited government, but this requires MORE government and more bureaucracy, therefore more taxpayer dollars spent chasing a *hint* of future fraud. Vote no on this resolution.

Your resolution for the General Assembly to slow down their consideration of extraction of natural gas in North Carolina, needs to go further. The DENR reports says there is much we don't know...including the important missing section on landowner legal protections. The practices and regulations that need to be put in place are not developed. And there are numerous recommendations by the industry itself in the STRONGER report that point out North Carolina's major legal and regulatory insufficiencies.

My question is why doesn't the Chatham BOC go beyond "move slow," to oppose this directly? We have so much to lose in Chatham: economically this could cost us new industry, the loss of rural landscape, huge traffic congestion and road deterioration, lack of water quantity to feed this thirsty industry and our towns, and the possibilities for runoff and direct contamination of our water supplies from the chemical laden wastewater it generates? Although you ask for bonds and fees to cover the impacts that can be shared with affected local governments...do not count on that from Raleigh.

We cannot legally guarantee this industry...or any other for that matter...will make necessary repairs once they close up shop. I would remind you that the General Electric's PCB contamination of 197 miles of the Hudson River in New York has not been cleaned up in 30 years. After reaching an agreement with EPA in 2002 and then delaying another 5 years before starting the task, GE has walked away after cleaning up 10 percent of the contaminated sediment.

Send a resolution that Chatham opposes this industry, UNTIL we are satisfied it will not damage our environment and our water supplies."

**Bert Bowe**, 18 East Madison, Pittsboro, NC, presented his comments to the Board and provided them in their entirety for the record as follows:

"Good evening. I am worked up about the draft voter ID resolution, and have three points:

1. First, since you are talking about making it harder for many thousands of people without ID to vote, a basic right in our democracy, plus inconveniencing everyone else, and undoubtedly costing a good amount of money to implement, there should be a public hearing.

2. Secondly, I believe another "where has" needs to be added: As in "where has" voter fraud been a problem?!

I agree with the previous speaker that this is a solution searching desperately for a problem. One would need to provide supporting numbers for even adding a traffic light, not to mention something this critical. There are none.

The burden of proof is on those who propose this. Show us objective, non-partisan statistics that people have been voting improperly before imposing this on the population. There are certainly plenty of data supporting the status quo. Case in point: a bit over a year ago, state Senator Josh Stein asked the state Board of Elections to provide the number of instances and specific types of fraud in each election since the year 2000.

I have a copy of that comprehensive report. Bear in mind these are cases that were referred to a district attorney and did not necessarily result in a conviction. For 2004, 1/1000<sup>th</sup> of 1 percent of voters that year were referred; for 2008, 6/1,000<sup>th</sup> of 1 percent. Another way of putting that is more than 99.99% of the votes were no problem.

This report also details all the methods the BOE uses to prevent voter fraud, including: regularly reviewing lists of convicted felons, deaths, duplicate names with other counties, those who haven't voted in two federal elections, and US postal service change of address data.

3. Lastly, for those who have said we don't know the extent of the problem since there is no current ID requirement, we need to call on some common sense: voter fraud is a Class I **felony** – you could go to jail! Who in their right mind would risk that to cast one extra vote for some candidate?!

I have to wonder is we would be discussing this if it was mostly Republicans who did not have ID's, versus Democrats. Chatham is better than this. If you want to take a reasonable step, just recommend that everyone be required to sign a voter affirmation statement that, under penalty of a felony, they are who they say they are.

Thank you.”

**George Lucier**, 628 Redbud, Pittsboro, NC, stated that he feels everyone can agree that the main purpose regarding elections is to encourage voter turnout, not to discourage it. The purpose of any resolution is to solve a problem, not create one. He stated that he believes this resolution creates a problem.

Mr. Lucier read a letter from Laurie Heise from the Board of Elections which is attached hereto and by reference made a part hereof. He stated that he does not believe that the Voter ID Resolution is necessary. It serves only to discourage voting rather than encourage it. He stated that this is wrong and he doesn't think the resolution should be adopted.

**Delcenia Turner**, 557 Clarence McKeithan Road, Gulf, NC, presented her comments to the Board and provided them in their entirety for the record as follows:

“Whereas, Section 1 of the 15<sup>th</sup> Amendment to the Constitution of the United States says, ‘The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude’; and

Whereas, to “abridge” means to deprive, reduce in scope, diminish, curtail, truncate and insidiously omit and in effect, constitutes in these times, a racially restrictive covenant in that it limits how Americans of color and other poor persons can use their legal right to vote; and

Whereas, North Carolina has a history of attempting to disenfranchise Black voters in particular; and

Whereas, the Voting Rights Act of 1965 outlawed such malevolent practices and made it plain that ALL that is needed for a person to vote is American citizenship and their name on an election list; and

Whereas, the majority of the neighbors you refer to in your resolution to the “North West and South” require preclearance from the Federal Government under Section 5 of the Voting Rights Act to even hold elections in certain specified jurisdictions because of a history of practices that restrict minority voting right; and

Whereas, the political party you represent appears bent on attempting to circumvent or downright obstruct federal and state law with regards to Education, Environmental safety, and personal human rights, including voting rights; and

Whereas, YOU have violated your oath to protect and administer to the needs of the entire population of Chatham County and instead allowed your governance to be influenced and tainted by persons of destructive intent and ill will.

Now, therefore be it resolved that the African American community, along with legal voters in the Hispanic community and all persons whom this blatant, fraudulent, inflammatory resolution will affect, rejects the Board of Commissioners out-of-touch resolution and require them to show documented cause for consideration of a resolution that will bring both real and imagined dishonor on our County.

We further advise, very strongly advise, that you review your own words regarding the amount of blood that has been shed for the right to vote and know that it can and will happen again, if necessary.”

**Martha Girolami**, 473 Mt. Pisgah Church Road, Apex, NC, presented her comments to the Board and provided them in their entirety for the record as follows:

## **“VOTER ID RESOLUTION**

Your Voter ID resolution is very unfair to many citizens you represent. Your resolution lists six whereas's that express what all of us want -- that our vote is meaningful and not diluted by an illegal vote. We all want our vote to count and recognize the much greater struggles of our black citizens to have this right today. “Disenfranchisement is the revocation of the right to vote of a person or group of persons or rendering a person's vote less effective. Disenfranchisement may occur explicitly through law or implicitly by intimidation or by placing unreasonable or identification impediments in the path of voters.”

A voter ID requirement will place an unreasonable impediment in the path of some of your constituents. These will be mostly be students, the old and the poor and your Black citizens. In this busy election year, there is no way that the NC BOE be able to make available a voter ID to the millions who will be affected. And you will be adding cost for the new bureaucracy. Or millions will be disenfranchised.

## **CHATHAM/CARY LAND USE PLAN**

I also feel that my vote and voice has become less effective, marginalized. Hundreds of your constituents have spoken with you about the Chatham/Cary Land use plan at the hearing and privately. The density of homes next to the Lake was always going to be one house per five acres. Now I read in the New and Observer that the Plan will allow one home per acre in the one mile closest to the Lake. You the Majority on our BOC have listened to a few landowners but not the majority of your constituents. Those landowners have to make money but the voices of citizens advocating for the environmental and preservation of water quality in Lake Jordan were not heard. Again a few were heard....the money was heard.

So will you have more hearings on your drastically changed Chatham/Cary Land Use Plan? What has been the point of all this? You have protected nothing.

## **FRACKING IN NC**

At three hearings on fracking that I attended, perhaps 70% of the speakers at the Lee County hearing and 99% of those speaking at the Chapel Hill and Chatham hearings spoke against fracking in NC. Fracking is a damaging technology that will benefit a few landowners. It will damage the environment IRREVERSIBLY and citizens will pay for it. There are no “repairs” to poisoned groundwater, to pollutants released onto the land, air and streams, no repair to a landscape that is industrialized, to a housing market that is ruined. And local governments and citizens will lose normal control of their property and zoning through preemption by the laws that promote the rights of gas companies and a few landowners.

A Chatham County resolution on fracking should be firmly against it at this time. You cannot use regulation and inspection to make it safe and there is no desperate need for natural gas at this time...there is a glut. Again, will the majority on the Chatham BOC listen to its constituents or a few landowners who need to frack...who need to make money? Will you hear big business and big landowners and be deaf to the tens of thousands of average homeowners and small businesses? Are we again going to be marginalized and disenfranchised by your choices?”

**Esther Coleman**, 10025 Fountain, Chapel Hill, NC, presented her comments to the Board and provided them in their entirety for the record as follows:

I actually came here tonight in support of the arts. But upon my arrival, I learned about and read the proposed resolution supporting state legislation that would require voter I.D.s. There is a ‘whereas’ in the resolution that reads: “WHEREAS, throughout our collective history the right to vote for all law abiding citizens has been established only through the greatest sacrifices from American men and women of every race, creed, and belief including the spilling of blood and loss of life and limb on both domestic and foreign soil...”

I concur with this ‘whereas’ inasmuch as my own mother was one of these people. My mother participated in voting rights rallies during the 1960s prior to the passage of the Voting Rights Act of 1965. And she and her fellow ‘ralliers’ did so at great risk to their lives and livelihoods. If you have not already, you can visit the International Civil Rights Museum in Greensboro where there is a wall with the names of heroes and sheroes who actually died in the struggle to obtain voting rights for people of color without them having to pay a poll tax or having to pass a literacy test.

I would like to respectfully offer that the real effect of many of the voter identification laws that have been passed across the country is to restrict the ability of people of color, the elderly, the poor, and others – who are citizens and who may not have or be able to obtain the required I.D.s. In these instances, these laws and this resolution are antithetical to the intention of the Voting Rights Act.

Please do not to pass this resolution. Rather, let’s come together and work together in good faith and with people from all political persuasions and points of view represented to find ways to resolve issues around voting -- if indeed there are any -- in such a way as voting rights for the poor, seniors, and people of color are not restricted.

Poor Mama. She’s probably turning over in her grave.”

**Jerry Markatos**, 800 Rock Rest Road, Pittsboro, NC, presented his comments to the Board and provided them in their entirety for the record as follows:

“Regarding Commissioner Bock's proposed Voter ID Resolution:

During the presidency of George W. Bush, Republican federal prosecutor David Iglesias and seven other federal prosecutors were fired for refusing to file false charges in an effort by the Republican party to manufacture a “record” of voter fraud. (See Iglesias’ New York Times editorial on the subject.) The Washington strategists who saw an advantage to the Republican party if voter turnout were trimmed based on the lesser ability of elderly and poor to dedicate the time and money to comply, since many of us must do without a car and driver’s license, amid expenses that continue to mushroom, advised that more Democrats would lose their vote than Republicans. Those who today are trying to pass vote suppression laws are counting on the public to forget about the stage managed campaign that ethical prosecutors within the Republican Party condemned.

Does Chatham County care about voting process integrity? Absolutely. That was recently the subject of a major nonpartisan grassroots campaign here in Chatham County. The public insisted on returning to paper ballots when it became clear that election results had been lost or corrupted in Carteret County NC and elsewhere in the country, and that touch screen equipment was incapable of a verifiable recount. Democrats, Republicans and Independents together chipped in to raise the \$40,000 in legal expenses that it cost to pursue the issue of open meetings and open records in court. Out of that battle emerged a Chatham Board of Elections uniquely dedicated to the integrity of our voting process, and to making sure that as many of our citizens as wish to vote are able to do so without impediment.

Now Commissioner Bock, with his “Voter ID” -- actually vote suppression resolution -- would disqualify people who don’t have a picture ID from voting, never mind if they have voted in Chatham elections all their adult lives and are known to their precinct election judges.

Bock’s resolution would have us consider our exemplary Board of Elections incompetent. If the Republican majority on our Board of Commissioners passes this resolution, it is because they want us divided, and looking at each other with suspicion. That’s not the Chatham County I know and love, or the Chatham that came together in support of voting integrity a few short years ago. Creating a system that puts ANY impediment in the way of our poorest and least mobile citizens and prevents them from voting is a crime and a basis for replacing any elected official who would even think about seeking such base and unfair advantage.

The idea of participating in such nonsense was mocked over 50 years ago in Li'l Abner, a comic strip I read as a child.

In the comic strip, 16 1/2 year old Li'l Abner would at times read a story within a story, featuring a detective named Fearless Fosdick, who was a lot like another comic book character, Dick Tracey, but not as smart. A rumor had been heard that some evildoer had put a poisoned can of beans into the food supply. Fosdick would be shown walking down the neighborhood street and when he'd see someone through their kitchen window, at the can opener, opening what might be a poisoned can of beans, he'd whip out his revolver, and shoot them! I don't know what foolish public policy was being ridiculed in that comic strip, but I never dreamed I'd see that kind of logic promoted in my home town and county."

**Nick Meyer**, 988 Booth Hill Road, Chapel Hill, NC, stated that he had resided at this residence for over thirty years and at numerous times has been judge, chief judge, assistant judge, poll watcher, and vote counter at polling places. He stated that he had never seen anyone try to vote who he felt did not have a legitimate reason to be there. When he was a little boy in Massachusetts, his father was a selectman for the town board. He remembers the first political discussion they had as they went into the polls for him to vote. They would not allow him to vote because he had not paid his poll tax. He asked his dad why he had not paid the poll tax and was told it was an unjust measure that is meant to keep citizens from voting. He is concerned with regard to the injustice of poor people having to pay a huge sum of money to an insurance company who do not have a car and have limited incomes to get a driver's license. He stated that he feels this law was passed in their continuing efforts to suppress voters in this country. This County has a proud record of having the highest voter turn-out county in the State. It was done by hard work and without any illegal activities. The Board of Commissioners is trying to negate that by trying to pull a fast job with governmental power.

**Project Ordinance for 911 Backup Center: Vote on a request to adopt the Chatham County Backup 911 Communications Center Project Ordinance**

Commissioner Kost stated that, out of the \$497,032.87 approved purchase of a Motorola MCC5500 phone system, if a portion of the amount was for year two and year three of maintenance. She stated that she wanted to be sure that that was not included in the project ordinance totaling \$1,397,000.

The Finance Officer stated that maintenance is usually not included in a project ordinance but that she would check on it. She stated that if it was included, they would remove it, and return with an amended project ordinance.

Commissioner Kost moved, seconded by Commissioner Cross, to adopt the **Chatham County Backup 911 Communications Center Project Ordinance**, attached hereto and by reference made a part hereof. The motion carried four (4) to zero (0).

**Juvenile Crime Prevention Council (JCPC) Funding Plan: Vote on a request to approve the Juvenile Crime Prevention Council (JCPC) funding grid**

Commissioner Kost stated that there was \$25,000, plus the local match of \$7,500 that is shown on the attachment as unallocated. She asked about the process for allocating the funds and why it is unallocated.

Sybil Tate, Community and Economic Development Coordinator, stated that those funds are unallocated and will be discussed at their next main meeting. She stated that they decided to put another RFP out for another program to see if they can get additional applicants. When it is reviewed by the JCPC in May, it will be returned to the Board of Commissioners.

Commissioner Kost moved, seconded by Commissioner Cross to approve the Juvenile Crime Prevention Council (JCPC) funding grid. The motion carried four (4) to zero (0).

## **BOARD PRIORITIES**

**Resolution Congratulating Chatham County Solid Waste & Recycling:** Vote to adopt **Resolution Congratulating Chatham County Solid Waste & Recycling for Winning the 2012 Outstanding Rural Recycling Program Award from the Carolina Recycling Association**

**Dan LaMontagne**, explained the details of the award as follows:

“Chatham County’s Solid Waste and Recycling Division received the **2012 Outstanding Rural Recycling Program Award** from the Carolina Recycling Association, which recognized just one rural program in North Carolina or South Carolina for its efforts in 2011. The Chatham County Board of Commissioners approved a resolution of congratulations at its meeting on April 16, 2012.

The Carolina Recycling Association cited several components of Chatham County’s recycling efforts in its award summary, including its 12 Collection Centers located around the county that accept over 15 different materials for recycling, a Swap Shop to promote reuse of a wide range of items, and free recycling drop-off for small businesses at the division’s main office. The five criteria for the award are: focus on rural program development, demonstrated growth and innovation, wide range of services, local government support, and leadership in public service.

Mr. LaMontagne credited community education and outreach to promote recycling as a major factor in the award. A major goal of the educational effort is to help people understand that recycling creates jobs for people in the county and the region and how much money is saved by recycling compared to sending trash to a landfill.

Each year, the Collection Centers serve approximately 25,000 households in the county, or an estimated 600,000 annual visits by county residents who have a current solid waste decal. Four centers are open seven days a week, while eight are open every day but Wednesday.

In 2011, Chatham County added electronics weighing less than 50 pounds, household batteries, and cooking oil as items that can be recycled at every Collection Center.

The award applauded the county’s permanent Household Hazardous Waste facility, which is open to the public nine times a year. We have added batteries, latex paint, and fluorescent lights to the list of items that are recycled on hazardous waste days.

The County hosted its first Earth Day event in 2011 in partnership with Central Carolina Community College and Chatham Conservation Partnership. The event gave residents and businesses information on the many ways they can reuse, recycle and compost waste, and reduce litter.

The Carolina Recycling Association’s award also considers support from local government officials. Besides the county commissioners’ support for Earth Day, the award noted their adoption of a Construction and Demolition Recycling Ordinance, which has helped ensure more building materials are being returned to the economy through recycling instead of being sent to landfills.”

To learn about all the comprehensive programs and services provided by the Solid Waste & Recycling Division, visit [www.chathamnc.org/recycle](http://www.chathamnc.org/recycle) or call (919) 542-5516.

Chairman Bock stated that we are very pleased to have the County recognized for its recycling efforts, which are expanding and evolving every year further stating that increased recycling and reuse saves money for all involved and also creates more jobs in industries dependent on recycled goods.

Commissioner Cross moved, seconded by Commissioner Kost, to adopt **Resolution #2012-18 Congratulating Chatham County Solid Waste & Recycling:** Vote to adopt **Resolution Congratulating Chatham County Solid Waste & Recycling for Winning the 2012 Outstanding Rural Recycling Program Award from the Carolina Recycling**



**Association**, attached hereto and by reference made a part hereof. The motion carried four (4) to zero (0).

**Compact Communities Ordinance:** Board discussion about scheduling a public hearing to amend Section 12.3 Housing – Moderately Priced Dwellings of the Compact Communities Ordinance to provide a payment in-lieu option

The County Manager explained the specifics of the request as follows:

Staff was directed to draft an amendment to the Compact Communities Ordinance to include a provision to Section 12.3, Housing to include an additional option for moderately priced dwellings based on Commissioners' interest.

The proposed amendment, which is included in attachment 1, provides a payment-in-lieu option for provision of moderately priced dwellings. The current provisions require dedication of lots for the provision of affordable housing.

Commissioner Kost further stated that it takes the provision that the County is no longer going to require Briar Chapel to have affordable housing units in the development and taking the money in-lieu and building the unit some other place.

By consensus, the Board agreed to schedule a public hearing for May 7, 2012 to receive comments on the proposed amendment to the Compact Communities Ordinance. The motion carried four (4) to zero (0).

**Friends of Library Appointment:** Board discussion about Library staff being a member of the Friends of the Library

Linda Clarke, Library Director, explained that one of the newer library employees attended the book sale at which time she went to renew her membership and a member of the Friends of the Library told her that she was not allowed to join because she is now an employee of the library. She was told that it was a conflict of interest.

The County Manager explained that the accusation was made that we are infringing on the individual liberties of employees. This has been in place for numerous years without a complaint or problem. He stated that he feels it has worked well.

Commissioner Kost stated that she had asked that this be placed on the agenda. She stated that the Friends of the Library have approximately 800 supporters. She stated that she pays her dues in support of our libraries. She has nothing to do with the policies and as a Friend, has no input into library activities. She stated that she does not see where that is a conflict. She asked why a County employee cannot give to join Friends of the Library and where it causes a conflict.

The County Manager stated that he stands by this policy. He is pleased that it is in place and thinks that it has worked well. The Friends of the Library are a great group; however, they are an advocacy group on occasion. On those occasions, a member of the staff also on the library board, may be in conflict or it may be perceived as a conflict. They are trying to continue their ethics and integrity in local government. He stated that this policy extends to any board where an employee could be considered in conflict either real or perceptual.

Rhoda Berkowitz, President of the Friends of the Library Board, stated that it was her strong feeling that it is not a "Friends" issue to decide. It is a decision that should be made by the administration of the library. She added that the "Friends" have an excellent relationship with the library staff stating that they work together very well and that they have a very successful book sale partly because of the work of library staff. She stated that she has no problem with the policy that is decided by others, not by the "Friends".

Sue Clark, Chairman of Library Advisory Committee, stated that they were in full support of the library. This has been a policy that has been in place for twenty-two plus years. They do not set policies; however, they respect them.

Commissioner Kost asked if they could see the benefit of this.

Ms. Clark asked what if a library employee becomes the beneficiary of a scholarship that provided education for her as a County employee. She stated that they do not want anything that is questionable.

Commissioner Kost stated that the employee was not making a decision on that scholarship. The board is. She understands not being a member of the board; however, she does not see the conflict of being a member of the "Friends" who supports the library.

Pat Rounds, Technical Services Manager, stated that when she started to work for the County twenty-two years ago, she asked the then serving librarian if she would be required to join the Friends of the Library. She stated that she had been previously required to volunteer her time on nights and weekends on a previous job. She stated that she did not want to be required to do this and was told that not only was she not required to do this, she was not allowed. The purpose of this was to keep things separate. No County employee could belong to any volunteer group that was somehow related to their job. Because of that there would not be any kind of punishment if the employee did not want to join. There is no pressure and it has not been a problem. No one has complained and it seems like common sense that we do not mix things together.

Chairman Bock stated that he could see where there might be a feeling by an employee that they had to join.

Carolyn Miller, Chatham County Human Resources Director, stated that in the nearly sixteen years she has been with the County, this has not been an issue. We work very hard and talk with employees extensively about ethics. We do a lot of ethics training and focus, not only on that which is not right, but also on the appearance of issues and to avoid the appearance of impropriety. Even though there may be no conflict as you see it, there may be a perceived conflict. There may be a position you are put in that you might feel as though you cannot say no because the Friends president asked you to do something. No one knows what you have paid as there are a range of membership options. If one of our employees pays a hundred dollars to support the Friends every year and they receive a scholarship and John Doe is one of the highest paying County members and happens to be a County employee because they do endow back to the library, it is helpful to help our employees keep the two things separate so that they are not put in a position that would compromise them with or without their knowledge. That has been a long-standing policy with which there has never been an issue up until this point. We realize that it is just as much the work on the part of our employees as it is on staff to help them maintain those separate relationships to protect themselves as well.

Commissioner Kost asked if there were examples, i.e. "Friends of Social Services". Ms. Miller stated that there was not. She explained that she did not know of another fund raising group that is as successful financially.

Chairman Bock explained that the Friends do not have a problem with this but it is not fair to ask the employees if they have a problem with it.

Ms. Berkowitz stated that there was not a question of whether it was a problem or not. It is not up to them to decide.

Evie Evans, Chatham County Library Employee, stated that she had been a member of the Friends. When she went to renew her membership, she was told that it was a conflict. She stated that she had no issue with it at all. She stated that they had the same policy when she was the business manager of the libraries in Maryland. Employees could not become members of the Friends. She had no problem with it. It was a bit of new information.

Commissioner Kost stated she has a problem with it. She stated that if it is not causing a conflict, why would we tell County employees they could not be a supporter of the library.

Commissioner Cross stated that he felt that it was because it could become a problem.

The County Manager stated that you don't see it because it is not present because we have it the way it is.

Commissioner Stewart stated that they have a very similar policy where she is employed.

Commissioner Kost stated that she knows of a County employee who actively worked on a Commissioner's campaign and she sees it as a double standard.

There was no action taken on this matter.

## **PLANNING AND ZONING**

### ***Subdivisions:***

**Revision to Existing Sketch Plan for Ferrington – Section X:** Request by Sears Design Group, P. A. on behalf of Fitch Creations, Inc. for a revision to the existing sketch plan for Ferrington – Section X, consist of 226 lots on 123.8 acres, located off Highway 15-501 North and Weathersfield, East Camden, and Millcroft, Williams Township, parcel #18998

Lynn Richardson, Land Use Administrator II, explained the specifics of the request as follows:

Ferrington Village was approved in 1976 as a Planned Unit Development with a master plan allowing mixed uses such as a Village Center for commercial uses, 1333 dwellings units (including detached single family homes and attached townhomes), open space and utilities. The master plan has been modified over the years to meet market demands, plus additional land was added to the PUD in 1981 and 1991. In 1999 Galloway Ridge, a continuing care community, was approved. Ferrington Village now includes approximately 956 acres and 1602 dwelling units (including the Galloway Ridge units). Two sections of Ferrington, Ferrington Woods, approved in 1989, and Whitaker Ridge, approved in 2003, are not part of the PUD and were developed within the guidelines of the Subdivision Regulation. Ferrington has 226 dwellings left to build of the 1602 allowed.

The revised 1991 and 1999 PUD plans for the remaining undeveloped Ferrington land which included Section X, proposed single family detached homes, townhomes, and clustered cottages. Section X was proposed as a neo-traditional plan similar to Camden Park. The 1999 approved revision request included four conditions of approval. Dan Sears, Sears Design Group, has addressed the status of the four conditions in attachment # 3.

In 2010 the Board of County Commissioners granted approval of a sketch design revision from the 1999 plan for Phases 1 & 2 (shown on current request as Phases A & B). The current request includes two (2) revisions to the 2010 approved sketch plan which will be discussed later in the agenda notes.

As discussed in the application booklet, Ferrington Village has evolved over time, and has requested revisions to the master plan when needed and as market conditions have changed. Ferrington Village has a normal growth of approximately 20 to 35 homes a year. The projected build-out of homes in Section X is approximately 15 years depending on market demands. This is to be considered information and not a development schedule.

Ferrington Village PUD is reviewed under the pre-2008 Subdivision Regulation and the 1994 Watershed Protection Ordinance based on the previous approvals and the continued

development of the overall project. Per Dan LaMontagne, Environmental Quality Director, the Fearington Village PUD is exempt from the Chatham County Stormwater Ordinance based on the existing approved, valid sketch design plan and the continued development of the project. The e-mail also states *“This project is not, however, exempt from the Jordan Lake Buffer requirements which include diffuse flow requirements under 15A NCAC 02B.0267. Because of the extended time frame proposed for this project, while the project is currently exempt from stormwater treatment requirements, there are no guarantees that future stormwater controls will not be required by changes to the State rules”*. The project is subject to the Soil Erosion and Sedimentation Control Ordinance.

The application booklet and map for the current revision request can be found on the Planning Department website at [www.chathamnc.org/planning](http://www.chathamnc.org/planning), then click on Rezoning & Subdivision Cases, 2012.

Mr. R. B. Fitch, owner/developer, has met with the Executive Director of Galloway Ridge along with the Fearington Homeowners Association to explain the revision request and to answer any questions. Notices to adjoining property owners were mailed by staff on February 20, 2012.

The property is located east of Galloway Ridge. A GIS map has been provided showing the subject property and the relationship to adjoining properties. The total approved dwelling count of 1602 units (includes Galloway Ridge) will not change with this request. There are 226 units remaining of the 1602 approved units. Completion of Section X will complete the build-out of the Fearington PUD. The lots will be served by the Chatham County water system and sewer service is provided by the private Fearington Waste Water Treatment Plant. Alan Keith, P. E, Diehl & Phillips, P. A., has certified in a letter dated February 7, 2012, that the WWTP currently has existing constructed capacity to serve Section X, Phases 1 and 2 (10,250 gallons per day) and that the existing collection system has capacity to serve the entire Section X project. Per the letter, Fitch Creations, Inc. currently has an Authorization to Construct an expansion to the WWTP from NCDWQ to provide adequate treatment capacity for Section X as needed. Permits will be provided at the preliminary plat submittal.

This request has been submitted as a revision to the existing sketch plan approved in 1991 and later modified in 1999 along with a revision to the 2010 sketch plan for Phases 1 & 2 (A & B). The 2010 sketch design approval of Phases 1 & 2 included 12 lots in Phase 1 and 29 lots in Phase 2. The lot count for these two phases remains unchanged. The revision requests for Phases 1 & 2 include:

- A roadway status change in Phase 2 from a private roadway to a public, state maintained roadway reviewed and approved by NCDOT.
- Based on the interpretation of Dan LaMontagne, Environmental Quality Director, that the revision to Section X is not subject to the Chatham County Stormwater Ordinance, the developer is requesting that Phase 1 & 2 not be subject to the 2008 Stormwater Ordinance as was previously stated on the approved 2010 sketch plan note # 7.

Staff recommends that the requested revisions to Phases 1 and 2 be approved.

During review of the sketch design revision in 2010 for Phases 1 & 2, the developer volunteered to provide an additional 50 feet of vegetative buffer width along Bush Creek, a perennial stream, making the buffer 100 feet measured from the bank of the stream, landward. This remains unchanged. (The 1994 Watershed Ordinance requires a 50 foot-wide vegetative buffer along perennial streams not within 2500 feet of a river).

Major streets serving the lots will be public, state maintained roadways. Streets serving the individual lots sections D, E, F, and G, etc. will be private, paved roadways. See the sketch design map. Sears Design Group has provided a table on the sketch plan showing roadway information regarding width of right-of-ways and travelways on the sketch plan. The travelway widths for the public and private roads are proposed to range from 18 to 20

feet. Tom Bender, Chatham County Fire Marshal, and North Chatham Fire Chief, John Strowd, have reviewed the widths for the main roads and found them adequate for emergency vehicle access (with no on-street parking). Mr. Bender stated that the private roadways serving the denser areas, D, E, F, and G, etc. will have to be reviewed at a future date when more detail on the roads can be provided. Staff recommends that the developer meet with the Fire Marshal regarding the private roads prior to beginning the permitting process for preliminary plat submittal.

Based on the plan as shown, 48.8% of the total acreage, 123.79 acres, will be open space (not including any road right-of-ways). The developer has provided a buffer and a trail easement along Millcroft with a trail easement also extending along East Camden, and Weathersfield and within the project area. A 50 foot wide perimeter buffer has been provided along the common boundary with adjacent property owners, i.e. Riggsbee and Lingerfeldt. A 40 foot wide buffer is shown on the subject property along the common line with Galloway Ridge and there is a 10 foot buffer on the Galloway property making a total buffer width of 50 feet. Per Dan Sears, these perimeter buffers are a building setback and Fearington normally does not grade in those areas, but it is allowed.

Chris Hopper, Environmental Quality Inspector, has field verified the streams shown on the sketch plan that were identified by a private consultant, S & EC. A 50 foot wide buffer per side is provided along the intermittent and perennial water features as required under the 1994 Watershed Protection Ordinance, except along Bush Creek which will have a 100 foot wide buffer as stated above. A 10 foot no-build area is also shown as required. Although wetlands are not required to be buffered under the 1994 Watershed rules, a 25 foot wide buffer will be provided around all wetlands. Ephemeral water features are not required to be buffered.

Dan Sears contacted the Chatham County Historical Association on February 1, 2012 and provided them a copy of the sketch plan. Mr. Sears stated that there were no historical structures to his knowledge on the subject property. Bev Wiggins with the Historical Association, stated that although there may not be structures or cemeteries, the Association is also interested in documenting any evidence of prior historical use and asked that she be notified in the future if anything is discovered as development of the site progresses.

The Planning Board discussed the request. There were several adjacent property owners present from Galloway Ridge and Millcroft. Issues of concern expressed by the Galloway residents were the close proximity of units in Phase L to the building setback line between the two projects, specifically Units 1 & 2 and lack of landscaping along the berm. Per Dan Sears, it is the responsibility of Galloway Ridge to landscape the berm. Issues of concern expressed by the Millcroft residents included potential erosion control problems on their lots due to construction of Section X, adequate buffering along Millcroft road to soften the view, how much of the pasture would be remaining, and sequence of development. Two of the Planning Board members expressed concern about only two entrances in and out for the entire development, and whether or not a traffic light should now be placed at the intersection of Weathersfield and 15-501 N.

As stated previously, staff, recommends that the developer meet with the Fire Marshal regarding the private roads prior to obtaining permits for preliminary plat submittal.

The plat meets the requirements of the Subdivision Regulations for sketch design review. The Planning Department and Planning Board (by a vote of 9-1) recommend granting sketch design revision to Fearington, Section X as shown on map dated 2/24/12 as requested.

Staff answered questions from the Board.

Chairman Bock asked, if the one vote against the recommendation for granting sketch design revision, was for a specific item on the list of findings.

Ms. Richardson stated that it was the stoplight issue, but had nothing to do with the findings.

Commissioner Kost asked what triggers the stoplight stating that she thinks, with this buildout and the Galloway Ridge expansion, the need might be forthcoming. She asked if that was something that Ferrington would pay for.

Ms. Richardson stated that was an NCDOT issue.

Commissioner Kost asked who was going to plant the Galloway Ridge buffer. Dan Sears stated that the agreement was between the former board chairman and R. B. Fitch. He stated that he thought both parties thought the other was carrying it forward. He is no longer with them and some of his records are not clear and they have reinitiated the agreement. He stated that when they get to the preliminary plat, they will make sure that the buffering is good.

As per the Planning Department and Planning Board recommendation, Commissioner Cross moved, seconded by Commissioner Stewart, to grant sketch design revision to Ferrington, Section X as shown on the map dated February 24, 2012. The motion carried four (4) to zero (0).

***Zoning:***

**Request to Rezone Acreage on Vickers Road:** Request by Warren Mitchell dba Iron Clad Storage to rezone Parcel #71691, consisting of approximately 5.41 acres, located at 102 Vickers Road, and approximately five (5) acres from Parcel #18872, from Conditional Use Light Industrial (CU-Ind -L) and Residential 1 (R1) to Conditional Use Regional Business (CU-RB), Williams Township

Angela Birchett, Land Use Administrator II, explained the specifics of the request as follows:

On January 17, 2012 a legislative public hearing was held. Attorney Patrick Bradshaw presented the request on behalf of the applicant. There were concerns raised by adjacent property owners that will be addressed under the quasi-judicial discussion portion for the conditional use permit. There were no concerns mentioned regarding the rezoning.

In order for a rezoning to be considered, support from the Land Conservation and Development Plan, hereinafter referred to as the "Plan", shall be provided. The Plan was adopted in 2001; however, a map has not been adopted to identify where certain types of non-residential uses are guided or encouraged.

Parcel #71691 received a Conditional Use Light Industrial zoning on August 18, 2003. On page 27 of the Plan, it is noted continuation of current activities will be supported. Mr. Mitchell is requesting a change in the current zoning district to a classification that will allow the current use/s and the proposed additional uses in the conditional use permit portion of this request.

Page 12 of the Plan encourages the siting of commercial uses along major highways in clusters at specific areas where the design helps to retain a rural crossroads or village character and to integrate the uses with other nearby development. Briar Chapel, an approved compact community, has approximately 200 occupied homes of the approved 2,389. The Plan also encourages those uses to extend along side roads, off main thoroughfares, rather than along the major thoroughfare.

On August 21, 2006, the applicant received approval for an amendment to the conditional use permit to add a structure that resembled a single family dwelling thus assisting in maintaining the rural landscape of the property as discussed on page 16 of the Plan.

The applicant also thinks tourism and recreational opportunities are being encouraged by allowing boat and recreational vehicle storage in close proximity to Jordan Lake.

As per the Planning Department and Planning Board (with a vote of 9-1) recommendation, Commissioner Stewart moved, seconded by Commissioner Cross, to approve the rezoning request as submitted and adopt **An Ordinance Amending the Zoning Ordinance of Chatham County**, attached hereto and by reference made a part hereof. The motion carried four (4) to zero (0).

**Request for Revision to Existing Conditional Use Permit for Self-Storage Facility:** Request by Warren Mitchell dba Iron Clad Storage for a revision to the existing conditional use permit on Parcel #71691 to add the additional five (5) acres from Parcel #18872 to the permit for the uses of self-storage facility/mini warehouse storage facility with related retail and services (i.e. moving truck rental), recreational vehicle storage facility, and boat storage facility

Ms. Birchett explained the specifics of the request as follows:

A quasi-judicial hearing was held on January 17, 2012. Attorney Patrick Bradshaw with Bradshaw and Robinson presented the request. There were some concerns by adjacent landowners that are addressed below.

**The Planning Board met at their regularly scheduled meeting on February 7, 2012 and voted to postpone their recommendation to the BOC to allow time for staff to consult with the county attorney and revise conditions if applicable. Planning Board discussion and responses can be viewed below in BOLD.**

**The Planning Board met on March 6, 2012 to continue discussion on this request. See notes at end.**

On August 18, 2003, the applicant was granted a conditional use permit for a mini-warehouse storage facility. On August 21, 2006, the applicant was granted a revision to add a mixed use structure with the commercial office and residence, which he resides in. Since that time, the classifications and descriptions have been modified within the Zoning Ordinance Table of Permitted Uses (Section 10.13). Mr. Mitchell wishes to add more flexibility as allowed in the current zoning regulations to be able to have boat and recreational vehicle storage as well as incorporate the new wording which is "self storage facility/mini-warehouse storage facility with related retail and services (i.e. moving truck rental)". In order to do this, the applicant had to also submit a request for a conditional use rezoning to the designated zoning classification from CU-Light Industrial to CU-Regional Business (CU-RB).

A conditional use permit must meet the required five findings as required by the Chatham County Zoning Ordinance. Those findings are addressed as follows:

**FINDING #1 – The use requested is among those listed as an eligible conditional use in the district in which the subject property is located or is to be located.** All three uses being proposed by the applicant are listed as permitted uses within the conditional use district applied for. It is Planning staff opinion this finding may be met.

**FINDING #2 – The requested conditional use permit is either essential or desirable for the public convenience or welfare.** The applicant has stated in the application materials that he receives calls from citizens wanting space to store recreational vehicles and boats, as well as have a location to rent moving trucks/vans. In a survey of similar uses in this area, there are no known moving truck rental companies or outlets and the closest approved RV and boat storage facility is located at Hatley Rd. off Mt. Gilead Church Rd. near US 64 E. The applicant has stated his customers wish to store their RVs or boats at the same location where they utilize a mini-warehouse space unit.

Briar Chapel is approved for 2,389 homes in close proximity to this project. The majority of lots do not have adequate space for storing RVs or boats. This facility is located directly across from the main entrance into Briar Chapel and may provide a service to those residents. It is Planning staff opinion this finding may be met.

**FINDING #3 – The requested permit will not impair the integrity or character of the surrounding or adjoining districts, and will not be detrimental to the health, safety, or welfare of the community.** There were concerns raised at the public hearing regarding a possible decline in property values, the creation of excess trash accumulation on the roadways, view from the public roadway issue, increased traffic, and location of new accesses. The applicant addressed these concerns at the public hearing, as well as within the application materials. Mr. Mitchell has also provided a revised landscaping plan that increased the amount of plantings which had already been approved by the Chatham County Appearance Commission. The activity, per the submitted site plan, will be internal to the property surrounded by existing vegetation.

NCDOT has already approved an additional commercial driveway application and issued a permit to the applicant. They were satisfied with the new driveway location and the traffic that would be utilizing the drive. In addition, a traffic signal is proposed at the intersection of US 15-501 N and Vickers Road as part of the improvements for Briar Chapel and is being coordinated with NCDOT. There already exists turning lanes so no other improvements are needed for these additional uses.

Any new lighting will conform to the existing regulations as stated in the Zoning Ordinance and will be full cut off per the application materials. There should be minimal noise associated with the expanded uses and are primarily used during the daytime hours. The property will remain fenced with locked gates.

The applicant proposed a sign that would be approximately 30 feet tall and approximately 140 +square feet in size. The CCAC reviewed the sign plan and was not in favor of a sign of this size in this location. Their concern was that there are no other signs this size along this stretch of highway and this type of use isn't associated with the amount of traffic you would notice or need with a retail establishment. They requested the applicant provide a revised site plan for their review. Staff has reviewed other signs along the US 15-501 corridor in the general vicinity of this project. Other than billboards, the largest signs would be the Fearington Village and Galloway Ridge entrance signs. For those signs, the sign area square footage is 64 square feet and they are approximately 15 feet from the ground to the top of the sign. Additionally, signs for other businesses near the intersection of US 15-501 and Vickers Road are either monument or have a limited height. Staff has recommended a condition on the sign size as noted below under "Site Specific Conditions".

**During the public hearing, the Planning Director noted the CCAC had reviewed the landscaping plan, which included the proposed new signage, and they were not in favor of a sign this size. They had asked the applicant to submit another plan, which he agreed to do. Commissioner Kost expressed a concern regarding the sign size as well. The applicant's attorney addressed the concern by stating "the applicant is thinking of revising the sign and will go back before the CCAC with a new plan. That information will be presented later and he feels his client is meeting the ordinance standards with what he has proposed". The applicant did go back before the CCAC with a reduced sign height of 25 feet for the main sign on US 15-501 N. The CCAC did not recommend approval of this size sign stating "the size of the proposed sign was well out of proportion with other signs in the area including those mentioned above". This was not in keeping with the character and integrity of the surrounding properties. Their recommendation is seen in Condition No. 1. The applicant states on the site plan the second sign at the driveway entrance on Vickers Road will not change (currently 15 sq ft).**

One additional storage structure will be constructed on the property as noted on the site plan. Also noted on the site plan is "truck" parking in the front of the property. It is Planning staff opinion in order to maintain and protect the "rural" character the applicant has based his project on, having moving trucks parked at the front of the property facing US 15-



501 will diminish the view. The applicant has constructed a mixed use building on the property that resembles a single family dwelling and the majority of the business property is behind this area. The applicant has stated his site has received many compliments because it can't be seen from the main roadway and looks very residential. It is Planning staff opinion this finding may be met and additional conditions have been provided in the recommendation.

**FINDING #4 – The requested permit will be consistent with the objectives of the Land Use Plan.** On page 27 of the Plan, continuation of current activities is supported. Mr. Mitchell is requesting a change in the current zoning district to a classification that will allow the current use/s and the proposed additional uses in the conditional use permit portion of this request.

Page 12 of the Plan encourages the siting of commercial uses along major highways in clusters at specific areas where the design helps to retain a rural crossroads or village character and to integrate the uses with other nearby development. Briar Chapel, an approved compact community, has approximately 200 occupied homes of the approved 2,389. The Plan also encourages those uses to extend along side roads, off main thoroughfares, rather than along the major thoroughfare.

On August 21, 2006, the applicant received an approval for an amendment to the conditional use permit to add a structure that resembled a single family dwelling thus assisting in maintaining the rural landscape of the property as discussed on page 16 of the Plan. It is Planning staff opinion this finding may be met.

**FINDING #5 – Adequate utilities, access roads, storm drainage, recreation, open space, and other necessary facilities have been or are being provided consistent with the county's plans, policies, and regulations.** This expansion will not require an additional water services or wastewater expansions.

The property is located within a WSIV-PA watershed where up to 36% impervious surface is allowed. The project, when complete, will be approximately 35.5%. A stormwater management plan will be required per the Environmental Quality Director and installed per the regulation. All other general permitting and site regulations are noted in the below standard conditions. It is Planning staff opinion this finding may be met.

**There were several concerns raised at the Planning Board meeting regarding the conditions listed in the recommendation. Condition #3 has been revised to clarify the timing of the installation of plantings. It was also requested that staff consult with the county attorney on removing the appeal condition and he advised that it should be removed, which has been done. There was further discussion about placing conditions for signage and truck parking on the conditional use permit. The Chatham County Zoning Ordinance provides in Section 17.1 that the "Board of Commissioners may impose such additional restrictions and requirements upon CUPs as it may deem necessary in order that the purpose and intent of the ordinance are served, public welfare secured, and substantial justice done". Planning staff provides information as it relates to the five findings, as well as a recommendation based on those findings. Should the applicant not agree to the conditions listed below the Planning Board may recommend different conditions, accept the applicant's proposal, or recommend denial of the permit. If the Planning Board recommends denial of the permit, per the county attorney, the recommendation to approve the conditional use rezoning should be rescinded.**

**At the March 6<sup>th</sup> meeting, the applicant's representative stated for the record the applicant does not agree with the conditions listed below. He stated the taller, larger sign is needed for business and the truck parking up front was needed for convenience to the applicant and the owner. The applicant was asked whether the truck parking up front was going to be for pick up or drop offs only or for permanent parking, he stated there would be trucks there at all times. One Planning Board member stated this would allow even more signage/advertising because it would not be**

fully screened from view. Mr. Mitchell stated he was willing to plant shrubs and screen more; however this has not been reviewed by the CCAC. One Planning Board member stated he didn't think we could tell someone where to park their trucks and requested Condition #2 be removed. The county has approved numerous conditional use permits where one reason for reviewing a site plan is to know where and how the site will be laid out so as to not be an intrusion to adjacent properties and traffic driving by the site. Most often, storage areas that include materials, equipment, and trucks, are kept in the least intrusive area generally located within the interior or rear of a site.

In regards to the sign, it was discussed that the sign was out of character for the surrounding properties. Mr. Mitchell has an internally illuminated 32 sq. ft. sign on his property now. County staff has never heard, before this submittal, of any issues with citizens not being able to find the facility. At this intersection, this sign is the only commercial sign that is internally illuminated. One Planning Board Member made a motion at this point to deny the CUP and rescind the conditional use rezoning district. The motion failed. The applicant stated he would agree to a 20 foot high sign with a 120 sq. ft. sign area but wanted to keep the truck parking up front. A motion was made to approve the new sign dimension as stated by the applicant and remove Condition No. 2 below. The motion carried 7-3. Planning staff recommends the conditions stay as recommended below.

It is the recommendation of the Planning Board (by vote of 7-3-0) to approve this request with the following conditions:

**Site Specific Conditions**

1. Replacement advertising/identification signs may be installed as shown on the revised sign plan with the following modifications. There shall be a limit of one (1) sign, no taller than 20 feet from the ground to the top of the sign with a sign area no larger than 120 square feet. All signs shall comply with the lighting requirements of the Zoning Ordinance. The sign at the entrance on Vickers Road shall remain as existing.
2. Landscaping shall comply with the recommendations of the CCAC which requires the perimeter landscaping along Vickers Road and the property not owned by the applicant be installed before the certificate of occupancy of the property is approved and issued. The remaining landscaping along the property boundaries owned by the applicant may be installed at the next optimal planting season following the start of the new commercial area use.

**Standard Site Conditions**

3. Signage, parking, and lighting shall conform to the Chatham County Zoning Ordinance unless otherwise stated in a specific condition noted above.
4. The application and approved recommendations as provided for and/or conditioned, are considered to be the standards as set forth and shall comply as stated. Changes or variations must be approved through the Planning Department or other approving board before any such changes can take place.
5. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Erosion & Sedimentation Control, Environmental Health Division, Storm water Management, Building Inspections, Fire Marshal, etc.) shall be obtained, if required, and copies submitted to the Planning Department prior to the initiation of the operation/business.

**Standard Administrative Conditions:**

6. Fees - Applicant and/or landowner shall pay to the County all required fees and charges attributable to the development of its project in a timely manner, including,

but not limited to, utility, subdivision, zoning, and building inspection, established from time to time.

7. Continued Validity - The continued validity and effectiveness of this approval was expressly conditioned upon the continued determination with the plans and conditions listed above.
8. Non-Severability - If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
9. Non-Waiver - Nothing contained herein shall be deemed to waive any discretion on the part of the County as to further development of the applicant's property and this permit shall not give the applicant any vested right to develop its property in any other manner than as set forth herein.

Ms. Birchett answered questions from the Board

Commissioner Kost stated that she would not vote for this request unless they approve the two conditions; however, the applicant has to agree to the conditions. She asked how we do that.

Ms. Birchett stated that if the applicant does not agree to the conditions, her understanding is denial.

Chairman Bock asked to review the conditions of the Planning Staff.

Ms. Birchett stated that there was a 15 foot maximum sign height and no parking of trucks up front.

Chairman Bock asked what the zoning regulations say is allowed there.

Ms. Birchett stated that if this was a straight, regional, business district, the ordinance would allow for a 30 foot tall sign up to 150 square feet. This property is being looked at as conditional use.

Chairman Bock asked what the applicant said about the 15 foot sign. Ms. Birchett stated that he agreed to a 20 foot sign; he does not like the 15 foot sign. He did not agree.

Chairman Bock asked the height of the sign requested in his original application.

Ms. Birchett stated that his original sign request was for a 30 foot sign; he came back for 25 feet; and he agreed to 20 feet.

Chairman Bock asked if the Planning Board agreed that the 20 foot sign would be alright.

Ms. Birchett stated that the Planning Board agreed to accept the 20 foot sign.

Commissioner Kost expressed concern with regard to the larger signs stating that the larger they got, the more they "shouted".

Chairman Bock stated that the Planning Board said that they could park their trucks in there, but they have to be shielded. The Planning Staff stated that they did not want them in the front, they need to be parked in the back.

Ms. Birchett stated that was correct. She stated that the decision by staff was based on other business conditional approvals for contractors, plants, storage yards, and home occupations which require storage to be in the rear of properties, shielded and screened. She stated that the applicant stated that he planned on leaving them up front. Some of the Planning Board members were concerned that this would give additional signage.

Chairman Bock asked what the signs would say.

Ms. Birchett stated that it said "Ironclad" at the top and another smaller sign underneath.

Commissioner Kost moved, seconded by Commissioner Cross, to approve the conditional use permit with the conditions as outlined by the Planning Staff.

Chairman Bock stated that he would probably have to vote against this, but felt that they were close as it seemed as though the applicant had made a pretty good concession going from 30 feet along that area (if it wasn't conditional use) down to 20 feet. He stated that he was trying to justify it other than they didn't like the looks of the sign.

Commissioner Cross stated that 15 feet was a story and a half tall. Chairman Bock stated that he would prefer 15 feet, but didn't know that that was enough.

Mr. Bradshaw stated that to correct a statement regarding the Planning Board determination, the Planning Board, although Mr. Mitchell did say in the discussion at the second Planning Board meeting, that he was willing to do more landscaping around the parking area beside the building, it was not a condition of the Planning Board's recommendation that there be additional screening there. The Planning Board recommended approval of the conditional use permit without a prohibition of the parking area as the Staff had recommended. There was no condition in the Planning Board resolution about additional screening.

Commissioner Kost stated that she was making the point that he did it voluntarily.

Mr. Bradshaw stated that there is a lot of agreement regarding this project. It is a good place for the business and it is a successful existing local business. It has come down to these two particular issues. With regard to the parking area, it is not that he wants the trucks out there for advertising purposes. He wants a small parking area near the office so that the staff would be able to have quick access to a place where trucks have been reserved, that are available for rent, or have been returned from being rented so that the parking is accessible to staff. He stated that that was the only evidence in the public hearing about this. The Appearance Commission looked at this twice, never made any comments about the small parking area, there is no evidence in the public hearing about it, and it is not like it is stuck way out by the highway. It is proposed to be between the building and the wooded area that is on the south of the property. It is going to be heavily shielded from north and south directions on Highway #15-501. He stated that he thought that there were procedural reasons to approve the request the way the Planning Board recommended; however, to impose a condition on a conditional use permit, two things are needed: 1) Standard in the ordinance; 2) Evidence in the public hearing. There are neither of those here to impose the condition. There is no standard in the ordinance except a setback. The setback on the property is 50 feet. This is 100 feet back.

Chairman Bock asked the County Attorney if he was in agreement.

Mr. Rose stated that the Board would need to find facts if they are not in agreement if there is not a standard and it is not in the ordinance where you have the conditional use permit.

Commissioner Kost stated that she understood the findings of fact; however, she thought the whole purpose of conditional use was to address site specific issues so there wouldn't be something in the ordinance to cover it.

Mr. Rose stated that was correct. Once the property is rezoned, he is entitled to the permit unless it can be conditioned on something in the record. You are not required to rezone as it could have been turned down.

Commissioner Kost stated that was why she was really glad the County is going to be going to conditional zoning.

Mr. Bradshaw reiterated two things: 1) Standards in the ordinance. 2) Evidence at the public hearing. He stated that the ordinance calls for, in terms of sign limitations, for the existing zoning district on this property (light industrial), it would allow a sign 30 feet high and 200 square feet in size. Mr. Mitchell's proposal, when the application was filed for revision, was for a 30 foot sign with approximately 134 square feet of sign area. Concern was expressed about it. He voluntarily agreed to reduce it to 25 feet and 134 square feet of sign area. The Planning Board again expressed concern. Without any standard in the ordinance by which this can be measured, he voluntarily agreed to reduce it to 20 feet tall and 120 square feet of sign area. The impact of this should be taken into consideration when the decision is being made. The area where the sign is located is out near the highway, on the same grade as the highway. The property rises quickly. The impact of the sign will not be as great as a sign of the same size on a flat piece of land. The other improvements will be higher than the sign.

Commissioner Kost asked for vote clarification on a two/two vote. Chairman Bock stated that it would not pass.

Chairman Bock called the question to accept the Planning Staff recommendation.

The motion failed one (1) to three (3) with Commissioners Bock, Cross, and Stewart opposing.

Chairman Bock entertained a motion to accept the recommendations of the Planning Board. He asked for clarification of the Planning Board's recommendation.

Ms. Birchett stated that it would be a 20 foot high sign with a maximum 120 square feet sign area and the truck parking would be as is. She further stated that, for the record, the truck issue was brought up at the public hearing and entered as evidence as Staff concerns.

Commissioner Stewart moved, seconded by Chairman Bock, to approve the Planning Board recommendation.

Commissioner Kost stated that she could support the moving of the trucks; however, she cannot support the larger sign.

Chairman Bock stated that he would also prefer a smaller sign.

Mr. Rose reiterated that the property is now rezoned. The applicant is entitled to the permit and conditions can be placed on there or if allowed in the ordinance or is based on evidence at the public hearing it would show a need for additional conditions not in the ordinance.

Chairman Bock called the question. The motion failed two (2) to two (2) with Commissioners Bock and Stewart voting for and Commissioners Cross and Kost voting against. This item is to be returned to the Board at their next Board of Commissioners' meeting.

Mr. Bradshaw stated this was galling to him. He stated that he did not believe that it was a valid exercise of the County's power stating; that Mr. Mitchell is a business person and he has a business reason that he needs for the conditional use permit to be approved; and that if the Board is really going to impose conditions without any standards and any evidence in the public hearing, then he is willing to live with the Planning Staff's recommendation rather than have it further delayed.

As per the Planning staff recommendation, Commissioner Kost moved, seconded by Chairman Bock, to adopt **Resolution #2012-19 to Approve A Revision to a Conditional Use Permit Request** and approve the conditional use permit with the condition as follows:

1. Replacement advertising/identification signs may be installed as shown on the revised sign plan with the following modifications. There shall be a limit of one (1) sign, no taller than 15 feet from the ground to the top of the sign with a primary sign area not larger than 64 square feet (sign areas #1) plus an additional 32 square foot secondary sign (sign area #2) for additional advertising of the property fronting US Highway #15-501. All signs shall comply with the lighting requirements of the Zoning Ordinance. The sign at the entrance on Vickers Road shall remain as existing.

The motion carried three (3) to one (1) with Commissioner Stewart opposing. The resolution is attached hereto and by reference made a part hereof.

## **MANAGER' S REPORTS**

### **Paperless Agenda:**

Lindsay Ray, Deputy Clerk, explained that the contract had been signed for the new software. Next week, we will begin a sixty-day software writing process. A paperless agenda is the primary feature. She asked the Board what they felt was not paperless about the current agenda that we now have.

Commissioner Kost stated that it was not paperless at all. She stated that she could now download single, individual items as it would take her hours to do so on her computer. She stated that to her, she clicks one button, and everything downloads. The other concern she has is that they have the agenda packets from the Planning Staff. She stated that at the last meeting, no one was following along with the attorney on a conditional use because they did not have the packet. She stated that there was nothing paperless about the maps attachments, etc.

Ms. Ray stated that she had spoken with Planning Staff about the packets who has asked their developers and vendors who are submitting less paper as well due to budget constraints. She stated that Commissioner Kost was the only one receiving the paper packets.

Commissioner Kost stated that it was unrealistic to expect the Commissioners to download heavy volumes of maps because they are large, individual files. She expressed concern that they were going to a paperless agenda with no input from the Board of Commissioners to the point that a contract has been signed.

The County Manager stated that Staff has contracted for the software to expedite and make more streamline the minutes and items for the agenda. Depending on what section of the County one is located, no matter how good our system is, because of the variety of speeds and where one lives, getting a download could be problematic. He stated that it will be trial and error.

Commissioner Kost stated that there were things to do to individual files to make them download faster and she is hoping that this software takes that into account.

Ms. Ray stated that Staff will take that into consideration and work on it. She stated that this software has been in the works for a year and a half and that it streamlines all documents to make them a smaller file size.

Commissioner Kost expressed concern that it would not work if one has to click on individual links.

Ms. Ray stated that she would send links to other towns and cities that were investigated.

## **COMMISSIONERS' REPORTS**

### **Website Audit:**

Commissioner Stewart stated that she was going to do a website audit to point out areas of improvement with regard to redundancy of information and linking to one another to make it easier. It will also give an opportunity to showcase other sites where the content lives or originates.

### **Resolutions:**

Chairman Bock explained that there were two resolutions, **Resolution in Support of Requiring Voter Identification Prior to Voting in Local Elections** and a **Resolution Urging the General Assembly to Exercise Caution and to Take as Much Time as Needed While Debating the Merits of the Extraction of Natural Gas in North Carolina** will be placed on the County website and will be voted on at the next Board of Commissioners' meeting.

Commissioner Kost stated that as previously indicated, she will also have a resolution that she has given to the Clerk to put on the website dealing with the issues of hydraulic fracking. She stated that she appreciated the Chairman coming up with a resolution that everyone could support; however, she thinks it is important that any resolution lay out the issues.

Commissioner Kost stated that because both of the issues equally impact citizens, a public hearing should be held on both of the resolutions.

### **Joint Chatham/Cary Issues Committee:**

Commissioner Kost stated that she was disturbed at the Joint Chatham/Cary Issues Committee meeting on Thursday when a quick decision was made with far-reaching impacts. The decision was: 1) Changing the density of five-acre lots to one-acre lots. 2) The restriction of alternative septic systems. Basically a lot of development rights were taken away by doing that. For one subdivision, The Lexington, which was going to be done in phases, they are being told that they cannot do the next phase that they had planned. She stated that she hopes that this Board will go back and take some deep considerations. She asked Staff, when it comes to the full Board, to provide them with more information to make a decision as she doesn't think the information was out there. She stated that she would like to know why an alternative system is environmentally worse than a traditional, non-engineered system. She stated that everyone accepted that a spray system or a drip system is worse than a typical septic system and she wanted to see the data.

## **CLOSED SESSION**

Commissioner Stewart moved, seconded by Commissioner Cross, to go out of Regular Session and convene in Closed Session for the purpose of discussing property acquisition and matters within the attorney/client privilege. The motion carried four (4) to zero (0).

## **REGULAR SESSION**

Commissioner Cross moved, seconded by Commissioner Stewart, to adjourn the Closed Session and reconvene in Regular Session. The motion carried four (4) to zero (0).

## **ADJOURNMENT**

Commissioner Cross moved, seconded by Commissioner Stewart, to adjourn the meeting. The motion carried four (4) to zero (0), and the meeting adjourned at 8:20 PM.

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Brian Bock, Chairman

ATTEST:

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