

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
SPECIAL MEETING
DECEMBER 13, 2004

The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met in the Agricultural Auditorium Building, 45 South Street, located in Pittsboro, North Carolina, at 9:00 AM on December 13, 2004.

Present: Chairman Bunkey Morgan; Vice Chair, Tommy Emerson; Commissioners Patrick Barnes, Mike Cross, and Carl Outz; County Manager, Charlie Horne; County Attorney, Robert L. Gunn; and Clerk to the Board, Sandra B. Sublett

The meeting was called to order by the Chairman at 9:00 AM.

PLEDGE OF ALLEGIANCE AND INVOCATION

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

AGENDA and CONSENT AGENDA

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

Commissioner Cross asked that Item #2, Final Approval of “Colvard Farms, Phase V”, be removed from the Consent Agenda and placed on the Regular Agenda for discussion.

The County Manager asked that an appointment to the OPC Board be added to the Agenda.

Chairman Morgan asked that an appointment to the Water Board be added to the Agenda.

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

CONSENT AGENDA

1. **Final Approval of “Chapel Ridge, Phase 1, Section 1”:** Consideration of a request by Jordan Lake Preserve Corporation for subdivision final approval of “*Chapel Ridge, Phase 1, Section 1*”, consisting of twenty lots on approximately ten acres, located off Old Graham Road, SR #1520, Hadley Township

As per the Planning Department and Planning Board recommendation, final approval of Chapel Ridge, Phase One, Sections F, G, and H were granted with the following two conditions:

1. New entrance roadway from North Carolina Highway #87 shall be constructed to the North Carolina Department of Transportation public road standards prior to

final approval of lots in Phase II or the issuance of building permits for 50 houses whichever occurs first.

2. Sidewalks shall be provided along the public road from North Carolina Highway #87 and along the private road from Old Graham Road, State Road #1520, to the clubhouse recreation area and ultimately, along the road to the public recreation area if the County approves one.

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

- ~~2. **Final Approval of “Colvard Farms, Phase V”:** Consideration of a request by Colvard Farms Development Company, LLC for subdivision final approval of *Colvard Farms, Phase V*, consisting of twenty three lots on approximately eight acres, located off Highway #751, Williams Township~~

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

3. **Final Approval of “Park Pointe West, Phase I”:** Consideration of a request by Landco Realty for subdivision final approval of *“Park Pointe West, Phase I”*. consisting of eleven lots on approximately sixty-two acres, located off North Pea Ridge Road, SR #1700, New Hope Township

As per the Planning Department and Planning Board recommendation, final approval of Park Pointe West, Phase I was granted as submitted.

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

END OF CONSENT AGENDA

PLANNING AND ZONING

Final Approval of “Colvard Farms, Phase V”: Consideration of a request by Colvard Farms Development Company, LLC for subdivision final approval of *Colvard Farms, Phase V*, consisting of twenty-three lots on approximately eight acres, located off Highway #751, Williams Township

After discussion and as per the Planning Department and Planning Board recommendation, Commissioner Cross moved, seconded by Commissioner Outz, to grant final approval of the road name Edgewood Drive and final approval of Colvard Farms, Phase V plat as submitted. The motion carried five (5) to zero (0).

Subdivision Regulations:

Keith Megginson, Chatham County Planning Director, reviewed the subdivision regulations review process explaining sketch, preliminary, and final stages of review.

Boothe Mountain:

The Board questioned the Planning Board’s review of Boothe Mountain. Charles Eliason, Planning Board Chairman, Jeff Austin, Planning Board Vice Chairman, and the Planning Director were present. The Planning Director and Planning Board Chairman informed the Board of Commissioners of

the Planning Board's review process of Boothe Mountain.

Preliminary Approval of "Midfield": Consideration of a request by Coffey Grounds, Inc. for subdivision preliminary approval of "*Midfield*" (formally known as Strowd Subdivision), consisting of twenty-five lots on approximately seventy-five acres, located off Mann's Chapel Road, SR #1532, Baldwin Township

As per the Planning Department and Planning Board recommendation, Commissioner Emerson moved, seconded by Commissioner Outz, to approve the road name, Midfield Road, and approve the preliminary plat with the following three conditions:

1. Construction of the water lines shall not commence until staff has received a copy of the approval letter for the water lines from the North Carolina Division of Water Quality.
2. Construction of the roadway shall not commence until staff has received a copy of the approval letter from the NCDOT Hydrology Section concerning pipe sizes.
3. Prior to the recordation of the final plat there shall be by map and/or deed a 30-foot wide perpetual access easement established from the Carl Craig, Jr. property to Rosswood Road.

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

Sketch Design Approval of "Page Subdivision": Consideration of a request by Darden Development, LLC on behalf of Bill and Clarice Page for subdivision sketch design approval of "*Page Subdivision*", consisting of seventy-four lots on approximately one hundred five acres, located off Old Graham Road, SR #1520, Hadley Township

As per the Planning Department and Planning Board recommendation, Commissioner Barnes moved, seconded by Commissioner Outz, to grant sketch design approval of the plat as submitted with the following conditions:

1. Prior to preliminary plat approval, more detailed flood information be provided either from North Carolina updated flood maps or an individual study to show that land areas exist along lots 17-21 for building areas outside the 100 year flood plain.
2. The water system shall be developed to meet the standards specified for the Chapel Ridge Subdivision.

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

Sketch Design Approval of "Womble Subdivision": Consideration of a request by Community Properties on behalf of Tom & Iris Womble for subdivision sketch design approval of "*Womble Subdivision*", consisting of fifty-six lots on approximately two hundred two (202) acres, located off Old Graham Road, SR #1520, Hadley Township

Jerry Markatos, as an adjacent landowner, voiced concern with regard to conservation easements, mutual setbacks, and the Colonial Pipeline. He asked the Board to delay a decision on this matter until their January 18, 2005 Board of Commissioners' meeting.

Tommy Fonville stated that it was not a matter of them having sketch approval, but that their contract had stated that they would close on the property by the end of the year.

Mark Ashness stated that anything that is agreed upon with the adjacent landowners will supercede the requirements for the subdivision; that the project was deliberately laid out to comply one hundred percent with the standards as they currently exist; and that they are not asking for a conditional use as it is a straight subdivision at the sketch plan phase.

As per the Planning Department and Planning Board recommendation, Commissioner Outz moved, seconded by Commissioner Emerson, to grant sketch design approval of the plat as submitted with the following conditions:

1. Prior to preliminary plat approval, more detailed flood information shall be provided either from North Carolina updated flood maps or an individual flood study to show that land areas for all lots along Dry Creek exist for building areas outside the 100-year flood plain.
2. The water system shall be developed to meet the standards specified for the Chapel Ridge Subdivision.
3. Prior to ground disturbing activities the developer shall have a preliminary reconnaissance archaeological survey performed by a qualified archaeologist. The results of the survey shall be provided prior to ground disturbing activities. If significant sites are located, they shall be documented prior to ground disturbing activities in the area or concern.

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

Revision to Ordinance Regulating Communication Towers: Consideration of a request for revision to **An Ordinance Regulating Communication Towers** in Chatham County, North Carolina to address co-location proposals during the annual review period

As per the Planning Department and Planning Board recommendation, Commissioner Emerson moved, seconded by Commissioner Cross, to adopt the change as proposed:

Section 3-1-4: The last sentence in this section should be removed or revised. The sentence is "Co-location of any new service provider upon an existing tower may be permitted without inclusion in the plan." The revision would include the addition of wording, "except during the annual review period."

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

PUBLIC INPUT SESSION

Ted Beckner, Box 196, Gulf, NC, stated that he had filed for a permit with the Chatham County Health Department for a sewer system behind a warehouse which he owns; that there are no more than two to three people there at any time; that he has a system that does not meet State requirements but that works fully; that he has impounded with stone around the outside perimeter; that he has installed it at above County standards; that it is located in a garden area; that he is presently working for the Department of the Army and Air Force in Windsor; that he is prepared to put in a monitoring well behind his system at his expense to ensure the County that he is not damaging anybody or causing any

effluence out of the system to damage anyone downstream from him; that he has improved the area; that Commissioner Outz has seen the work that has been done; that he would like to work with the County in this area to have an efficiency apartment there and be able to have limited use of the bathroom that is there; that his permit was denied based on a "cut and fill" which is a 1977 regulation that states that a system cannot be installed in a "cut and fill" area; that at the time this was done, he was not aware of this; that he thought the five-year limitation did away with the "cut and fill" area...that it became land that was available to use for this purpose; that DOT is four-laning a highway in this section and have used a law of eminent domain to take the property within eight feet of his warehouse so that he has been hemmed up; that he asked for an amended permit with the inspection for this in-place system that has been working well; that he has a company from Greensboro look at it and everyone agrees that the system works but that the soil that the system is in does not meet the State nor Chatham County health criteria; that he has tried to impound the area and is willing to go to whatever length necessary to make certain that he does not damage anyone downstream; that all of the systems in the area are on the Gulf-Goldston water system so there are wells in the area; that the nearest well belongs to his son which is approximately three quarters of a mile from where he is located; that the system has been in use for three years; and that he only stays at this location on occasion.

The Board asked the County manager to look into matter.

OPC MENTAL HEALTH

- Chairman Morgan moved, seconded by Commissioner Emerson, to appoint Commissioner Cross to the OPC Mental Health Board. The motion carried five (5) to zero (0).

WATER ADVISORY COMMITTEE

- Chairman Morgan moved, seconded by Commissioner Emerson, to appoint Commissioner Barnes to the Water Advisory Board. The motion carried five (5) to zero (0).

Bill Lowery, Water Advisory Committee Chairman, asked for a two-hour segment of time to discuss Chatham County water issues.

BOARD RETREAT

- The County Manager reminded Board members of the annual retreat scheduled for January 5-6, 2005 to be held in the Dunlap Classroom. The time will be announced.

ADJOURNMENT

Commissioner Emerson moved, seconded by Commissioner Cross, that there being no further business to come before the Board, the meeting be adjourned. The motion carried five (5) to zero, and the meeting was adjourned at 10:27 AM.

Bunkey Morgan, Chairman

ATTEST:

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