

**MINUTES**  
**CHATHAM COUNTY BOARD OF COMMISSIONERS**  
**REGULAR MEETING**  
**JANUARY 18, 2005**

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The Board of Commissioners ("the Board") of the County of Chatham, North Carolina, met in the District Courtroom, located in Pittsboro, North Carolina, at 6:00 PM on January 18, 2005.

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

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

**PLEDGE OF ALLEGIANCE AND INVOCATION**

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

**AGENDA AND CONSENT AGENDA**

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

Commissioner Outz moved, seconded by Commissioner Emerson, to approve the Agenda and Consent Agenda. The motion carried five (5) to zero (0).

**CONSENT AGENDA**

1. **Minutes:** Consideration of a request for approval of Board minutes for regular meeting held January 03, 2005, Work Session held January 03, 2005, and minutes for Board Retreat held January 05, 2005 and January 06, 2005

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

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

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

3. **Approval of Time Warner Rate Order:** Consideration of a request to approve Time Warner Rate Order, attached hereto and by reference made a part hereof.

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

4. **Sketch Design Approval for Variance from Subdivision Ordinance and Sketch Design Approval of "Survey for John M Stone and Mary A. McQuiston":** Consideration of a request by John M. Stone and Mary Ann McQuiston for a variance from the Subdivision Ordinance, Section 6.2, Rural Roads, D (1), Private Road, (3) [f] and a request for sketch design approval of **"Survey for John M. Stone and Mary A. McQuiston"**, consisting of two (2) lots on 15.3 acres located off SR #1941, Seaforth Road, New Hope Township

As per the Planning Department and Planning Board recommendation, the variance request and sketch design request were granted with the following conditions:

1. The road improvement be made to the Phase I roadway that serves lots 3 and 4 and then turns northward serving lots 9,10,11,12,13 and 14 consisting of additional crush and run stone being placed on the roadway to bring the depth of crush and run stone to a minimum of 4 inches.
2. The Phase II roadway be upgraded to the County private road standards for the distance necessary for Lots 6B1 and 6B2 to front on the County standard roadway by a minimum of 30 feet.
3. Prior to final plat review, the roadway improvements be certified by a licensed engineer, architect, contractor, or surveyor.

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

5. **Preliminary Plat Approval of "Cedar Grove, Phase II":** Consideration of a request by Chuck Lewis on behalf of MAC Development, LLC for subdivision preliminary plat approval of **"Cedar Grove, Phase II"**, consisting of eleven lots on 35 acres, located off SR #1540, Jones Ferry Road, Baldwin Township

As per the Planning Department and Planning Board recommendation, preliminary approval of the plat was granted with the following condition:

1. Prior to final plat submittal, all required creek crossing permits from the Corps of Engineers and NCDENR, Division of Water Quality shall be submitted to staff.

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

6. **Request to Improve Existing Private Easement to State Maintained Road:** Consideration of a request by Michael A. Neal, Engineer, on behalf of **Strowd Mountain Subdivision** to improve an existing private easement to a state-maintained road

As per the Planning Department and Planning Board recommendation, approval of the request was granted with the following condition:

1. The plat not be recorded until the County attorney has approved the financial guarantee.

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

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

in Chatham County as follows:

- A. Choice Trail
- B. Cooper Horton Road

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

### **END OF CONSENT AGENDA**

### **CERTIFICATE OF APPRECIATION**

Chairman Morgan expressed appreciation on behalf of the Board for Commissioner Emerson's service to the County as the Chairman of the Board from 2002 to 2004.

### **PUBLIC INPUT SESSION**

**Peter Theye**, 1065 Boothe Hill Road, Chapel Hill, NC, stated that water is an amazing force; that the tsunami that struck the Asian coast is mind-boggling; that the hurricanes everyone has endured have impacted all of us but do not compare to the deaths and destruction the people in Asia are facing today; that when he drove from his home last Friday in the pouring rain, he found water standing everywhere; that he couldn't help but think of all the spray irrigation systems that the Board is approving with sewage lagoons; that he wants the Board to approve developments that the land can support; that he hopes the County is on solid ground with the existing impact fee regulation; that he feels that the developers are getting away with grand larceny; that developments require a much higher level of service long before they have paid for it; that the three schools the Board of Education is planning to build with the bond will not address any of the new development needs; that the school system is over capacity without their contributions; that his latest idea is one in which the developer comes up with a no-interest loan to the County before construction begins, allowing the County to provide required service levels as needed and not on the back of existing County property landowners; that a tax credit will be realized by the development annually to repay the loan. He asked that the Board plan for the County's future with their decisions and be selfish with the County's treasures stating that they will not last.

### **SHERIFF'S OFFICE**

**Bid Approval for Sheriff's Office:** Consideration of a request to approve vehicle bids for Sheriff's Office to Capital Ford, Raleigh, NC for seven Police Interceptors and four Police Slick-Tops, in the amount of \$260,300.00

Commissioner Emerson moved, seconded by Commissioner Cross, to award the bid for seven Police Interceptors and four Police Slick-Tops to Capital Ford in the amount of \$260,300.00. The motion carried five (5) to zero (0). The bid summary is attached hereto and by reference made a part hereof.

### **PLANNING AND ZONING**

#### ***Public Hearings:***

The Chairman administered the oath to everyone in attendance who wished to make public comments.

**Public Hearing for Revisions to Chatham County Zoning Ordinance:** Public hearing to receive public comments on a request by the Chatham County Planning Department for revisions to Sections 10.6, 10.7, and 15.5 of the Chatham County Zoning Ordinance and Attachment A of the Chatham County Watershed Protection Ordinance regarding campgrounds and RV parks

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

**Public Hearing for Conditional Use Permit for Camp Ground:** Public hearing to receive public comments on a request by Callie S. Meadows for a Conditional Use Permit for a privately owned camp ground specifically for campers, travel trailers, and recreational vehicles/motor homes on three (3) acres, located off SR #1920, Ellis Road, Cape Fear Township

**Evelyn Cross**, 4964 Corinth Road, Moncure, NC, stated that she is a resident of Corinth; that she is not opposed to small, family-run businesses, but that she is opposed to the proposed campground on Ellis Road. She made comments with regard to the five findings as follows: **Finding #1:** The ordinance currently requires twenty acres for a park, not the three in the proposal; and that the area is heavily populated with residential homes. **Finding #2:** Another privately owned campground is not needed in the area and this location is not desirable and is not easily accessible; that Ellis Road is a narrow dead-end road approximately 16-17 feet in width; that there are actually three campgrounds in the area, none of which are filled to capacity; that all three are within an eight-mile radius; that there are two in Moncure; that one is located on Old US Highway #1 across from Fidelity Bank; that it has a small sign posted on the side of the old barber shop which is now a jewelry-making shop; that the second campground is Cotton's Campground; that it is a very small but clean facility; that it is located on Cotton Acres Road which turns beside Fidelity Bank and also has an entrance on the road that runs beside of The Chessworks; that the third facility is Dicken's RV Park; that it is a well-developed, seven-acre park with twenty-four hookups; that this park is located on Corinth Road in the middle of agriculture and no homes; that Mr. Dickens owns all the land around the park and farms the adjacent land; and that this park is well-lighted and adds to the community. **Finding #3:** While no changes may need to be made to the roads, it will certainly cause a traffic problem for all the residents in the area as there are houses all around and behind the proposed campground; that it will add noise to a community of homes with elderly residents as well as young families with small children. **Finding #4:** Such a small park would have little impact on the tax base for Chatham County and will likely add to the County services required for the area; i.e. deputies for patrolling for the safety of the park as well as the residents surrounding the park. **Finding #5:** With regard to access roads, it is her understanding that a neighbor, Ms. Meadows, has an easement across her property; and that she does not find it marked in the packet provided to her by the Planning Department. She asked that for the above reasons, the Board not permit this proposed campground in its current form and under the current conditions.

**Callie Meadows**, 256 Ellis Road, Moncure, NC, stated she wanted the campground to help service the area and provide housing for contractors for surrounding businesses (Daniels Construction, Progress Energy); that she could operate the business and still stay home and take care of her husband, mother, and daughter; that she has thirty acres total with just a couple of homes behind hers; and that the easement is there but the road belongs to her.

**Larry Wilson**, 260 Ellis Road, Moncure, NC, stated that he has been trying to get his full easement for a number of years; that there was a drug raid in a mobile home that Ms. Meadows owns at the front of the road; that there are two mobile homes tied into her septic tank already; and that the road will be trashier and trashier.

**Charlies Buzzard**, 192 Ellis Road, Moncure, NC, stated that he is concerned with the noise level in

the area; that he has small children; and that he is concerned that his property may lose tax value.

**Tammy East**, 248 Ellis Road, Moncure, NC, stated that the park is being put into place to make money for her mother; that she will help keep up the place; that the crowd coming in and out is her family; and that the loud music only lasts for awhile.

**Public Hearing for Revision to Existing B-1 Conditional Use District:** Public hearing to receive public comments on a request by David Webster for a revision to the existing B-1 Conditional Use District with Conditional Use Permit for day care and other various uses, to retain the existing uses and add Veterinary Clinics and Hospitals with dog runs or equivalent facilities – and other various uses, on two (2) acres, located off SR #1712, East Cotton Road, Baldwin Township

**Alfred C. Perry**, 949 Cross Lenk Road, Raleigh, NC, stated that he was born in Chatham County on the property in question; that his aunt still lives on the property; that they oppose the change in this property; that some reasons have already been stated in the letters the Board has received; that the veterinarian hospitals in Raleigh are not located in residential districts; that he is not familiar with dog runs or what “equivalent facilities” or “various uses” are; that that family is opposed to this project; and that this property has been in the family for years and they have been good neighbors and citizens for years.

**David Webster**, 18 Garden Villa Drive, Pinehurst, NC, stated that he feels he can provide a high quality service to the citizens of the Chatham County; that boarding is not an option; that there will be no overnight stays by dogs; that they will use sound-proofing materials on the inside of the building; that there will be a privacy fence along the outside that the dogs will be walked inside and their waste cleaned up immediately.

**Public Hearing for Modification to the Existing Conditional Use Permit for Governor’s Club Planned Unit Development:** Public Hearing to receive public comments on a request by Bradshaw & Robinson, LLP on behalf of Governors Village Commercial LLC for a modification to the existing Conditional Use Permit for the Governor’s Club Planned Unit Development to add 18.95 acres to be developed as 49 single family residential lots, located off SR #1726, Old Farrington Road, and to revise the existing Conditional Use Permit to change the approved land use for the East Dossett parcel (+/- 11 acres) from commercial to 76 residential town homes, located off SR #1008, Mt. Carmel Church Road, Williams Township

**Patrick Bradshaw**, PO Box 607, Pittsboro, NC, introduced the development team for this project. He stated that they were responsible for the preparation of the application that was submitted; that they have been sworn and are present tonight to respond to any questions or concerns that the Board might have regarding the application. . He asked that the written application that they submitted be included in the record of the public hearing in support of the application. He stated that the Governors Club PUD currently consists of 1,813.3 acres; that this application would add 18.95 acres that are contiguous to the existing PUD and front on Old Farrington Road; that forty-nine single family lots will be developed on this additional property; that the approved land use for the East Dossett parcel (+/- 11 acres) would be converted from retail and office space to 76 residential townhomes, while preserving the possibility based on market demand that some of the already approved commercial density could be used in the remaining commercial area of the PUD; that if this application is approved, the overall maximum residential density allowed in the Governors Club PUD would increase from 1,830 to 1975; that the addition of the 18.95 acres that is currently owned by

the Harris family to the PUD is a reasonable and natural extension of the community because it shares a long border with the PUD and a portion of the Harris land has already been made part of the PUD; that converting the East Dossett parcel to residential is also a sensible change because of the unlikelihood that the property can be developed for commercial use and because the existing townhomes in the community have been so popular; that they have worked for years to try to attract commercial users to this tract and have been unable to do so; that the primary reason is that the commercial developers' research shows that there are not yet enough homes in the immediate area to support the kind of pharmacy or hardware or other retailers that so many of the neighbors have expressed an interest in having locate in Governors Village; that approval of this application will allow this tract of land that is surrounded on three sides by the PUD to be put to productive use, will allow an extension of the very successful existing townhome community and will provide more residential support for the existing and future commercial development in the commercial portion of the PUD.

He stated that it is anticipated that M/I Homes, which built many of the homes in the Governors Park section of the PUD and Robuck Homes, which built the existing townhomes, will build the homes proposed in this application; that the property will be subject to the restrictive covenants for Governors Village; that this will ensure that the new construction is consistent with the high standards that have been established in the community and demonstrates that these home builders believe this addition to Governors Village is needed and desirable; that together the townhome and single family sections will provide a diversity of housing types and price ranges that have already proven to be in very high demand at this location; that the infrastructure will be complete by 2010; that this build-out prediction is conservative based upon the experience of M/I Homes and Robuck in building and selling their homes in the existing portions of Governors Village.

Mr. Bradshaw stated that this proposal is consistent with the County Land Conservation and Development Plan in that it would allow growth near an existing economic center, promote clustered and mixed use development, contribute to the variety of housing options available in the community and increase the likelihood of eventual transit service in this part of the County, which is one of the few areas where the land use plan considers transit to be possible in the relatively near term; that he expects that some of the concern the Board will hear about this project will come from some of the residents of the existing Governors Village who might be concerned about the effect of the project on their community; that under the recorded declaration of restrictive covenants for Governors Village, the developer has the legal right to add this property to the Governors Village Property Owners Association if the Board of Commissioners approves this application; that this development group has spent nearly two decades and millions of dollars to build Governors Village into a beautiful, diverse, and vital community; and that its residents have beautiful homes in a broad range of styles and price levels and very nice community amenities and recreational facilities.

He stated that in recent months they have met with many members of the Governors Village community, including the Board of Directors of the Governors Village Property Owners Association, to inform them about this proposal and to invite their input into how it can be incorporated smoothly and successfully into the existing community; that a community meeting was hosted to discuss the project that was attended by a large number of residents of the community; that as a result of this consultation and collaboration, the developer has agreed in writing to a long list of commitments to address the concerns that have been raised in the community; and that these commitments include:

- Ø A waiver of the developer's right to add property or residential units to the Governors Village Property Owners Association or community amenities after this current proposal.
- Ø A commitment to subject the new single family homes to the same architectural guidelines and procedures as the existing Governors Park community and to impose additional mechanisms to ensure architectural diversity.

- Ø Preserving tree cover
- Ø Providing for maintenance of streets until they are accepted for maintenance by the Department of Transportation
- Ø Relieving the Property Owners Associations of the cost of maintaining common areas in the new single family section until assessments paid by owners there are sufficient to cover the cost
- Ø Taking steps to protect the lake that was constructed by the developer of Governors Village as a storm water management device from siltation and remediating the damage if siltation does occur
- Ø Taking proactive steps to minimize the effect of storm water drainage from lots on nearby lots or common areas
- Ø Agreeing to name the new single family section "Governors Lake"
- Ø Installing sidewalks and other infrastructure to the same high standards as other portions of Governors Village
- Ø Finishing infrastructure construction in a year
- Ø Contributing \$250,000 engineering services and construction supervision to the Governors Village Property Owners Association for enhancements to the community's amenities that the community's elected representatives deem appropriate

Mr. Bradshaw stated that these voluntary commitments will be of great benefit to the Governors village community; that the fiscal impact analysis shows that the project will create a real estate tax base of #32 million and will provide an annual revenue surplus to Chatham County at build-out of approximately \$30,897.00; that he thinks it is also fair to consider this proposal in light of the fiscal impacts of the entire Governors Club Planned United Development; that occupying less than one-half of one percent of the land area of Chatham County, according to information provided by the Chatham County Tax Office, Governors Club PUD constitutes 16% of the taxable real property value in the County; that at a 2004 real property valuation of over \$640 million, Governors Club property owners were responsible for over \$4.1 million in real property ad valorem taxes, not to mention personal property and sales taxes; that a study predicted that by 2006, the Governors Club community would be contributing \$3.2 million of net revenue surpluses to Chatham County each year; that projection assumed that real property taxation on Governors Club property would average \$3.8 million by 2006, but that figure is already over \$4.1 million, making the surplus even larger than projected; that the surplus tax revenue from Governors Club, over and above the cost of providing services to residents of Governors Club, represents more than ten percent of Chatham County's total real property ad valorem tax revenue.

He further stated that Governors Villages is a beautiful community that many people love to live in; that this proposal, especially combined with all the contributions the developer has agreed to make to the community, will enhance and strengthen it; and that they respectfully request that the Board approve the modification of the conditional use permit to allow it to proceed.

**Mark Ashness**, CE Group project engineer, stated that the property has not been available up to this point; that the primary access is off of Old Farrington Road; that the water would be provided by Chatham County; that the existing wastewater treatment facility at Carolina Meadows/Governor's Village would service this area; and that they are committed to maintaining a light standards that currently exist in the Governors' Village.

**Lucy Gallo**, 3514 Westover Road, Durham, NC, stated that she wanted to highlight some of the economic impact analysis; that the County's tax base would be increased by \$32 million; and that there is an annual surplus of \$31,000.

**Dane Vincent**, Route One, Box 583, Hot Springs, VA, speaking on behalf of the developer, stated

that they are sensitive to the local community; that the developer has agreed to buy the land parcel from Governors Club, LLC; and that the developer has the resources to complete this project to the standards of the previous communities.

**Lee Fleming**, 503 Oberlin Road, Suite 204, Raleigh, NC, stated that the wastewater treatment plant is currently running at 100,000 gallons per day; that it is permitted at 180,000; and that plans for expansion must be submitted when the plant reaches 80% capacity.

**Bob Wynne**, 30060 Benbury, Governors Park, Governors Village, Chapel Hill, NC, stated that he is representing the Board of Directors of Governor's Village; that the homeowners had a meeting last week and had many concerns; that they have only had a week to evaluate the matter; that they have an agreement to resolve any outstanding issues; that he asks that the Board to keep that in mind as the process moves forward; that they have a good level of trust with the development team already and don't see any obstacles to its approval; and that some issues are the further expansion of the neighborhood and the overuse of facilities.

**Sue Carpenter**, 256 Old Farrington Road, Chapel Hill, NC, stated that she lives near the single-family area; that a separate turn lane should be considered; that there are a lot of tall, mature pine trees in the area and she was not clear about whether they would be retained. She expressed a request that there not be any more construction trash because of the work being done in the area.

**Linda and Louis McCrimmon**, 211 Old Farrington Road, Chapel Hill, NC, stated that the lake is behind their house. They expressed concern that when the lake overflows it backs up into their yard; that the creek overflows; that when the road is built, it will create a hill to the left of their property, thereby creating more runoff to their property.

The developers agreed to meet with the McCrimmons to discuss their concerns with regard to these issues.

## **BREAK**

The Chairman called for a five-minute break.

## **PLANNING AND ZONING**

### **Miscellaneous Requests or Required Actions:**

**Request for Site Plan Approval of "Cole Place II":** Consideration of a request by Greg Isenhour for site plan approval of **Cole Place II**, consisting of 28 town homes on approximately eleven acres

As per the Planning Department and Planning Board recommendation, Commissioner Cross moved, seconded by Commissioner Outz, to grant site plan approval as submitted with the following conditions (since two of the four recommended had been satisfied):

1. A financial guarantee for the completion of infrastructure shall be reviewed and approved by the County Attorney prior to subdivision of the individual townhouse lots.
2. Landscaping as shown on the landscape plan, sheet L1, dated November 12, 2004 and any additional landscaping as recommended by the Appearance Commission shall be installed prior to the issuance of the certificate of occupancy for the first structure.



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

**Request for Site Plan Review for Kunal Enterprises, LLC:** Consideration of a request by George Farrell, Jr. for a site plan review for Kunal Enterprises, LLC, property located off Highway #64 East, New Hope Township

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

1. There shall remain or be established a 20 foot vegetative buffer around the property (details of areas to be landscaped are shown on sheet C-3 Landscape Buffer Plan).
2. On the east side of the property, along the boundary with Ms. Jean Fish and Ms. Linda Phillips there shall be an opaque vegetative buffer with trees planted a minimum size of ten feet tall.

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

### **Zoning and Ordinance Amendments:**

**Request for Conditional Use Permit:** Consideration of a request by MacGregor Development Company for a Conditional Use Permit within the existing RA-40 zoning district for a Planned Residential Development [**Booth Mountain**], on 294 acres, off SR #1721 (Lystra Church Road) and SR #1717 (Jack Bennett Road), Williams Township

The Chairman asked that the Minority Report, distributed at the meeting, be entered into the official record. A copy of the report is attached hereto and by reference made a part hereof.

The Board discussed the external boundary, undisturbed buffers, and wastewater treatment system usage by the Chatham County Schools and made revisions to the draft resolution to approve the request distributed by staff.

As per the Planning Department and Planning Board recommendation and with revisions discussed, Commissioner Emerson moved, seconded by Commissioner Outz, to approve **Resolution #2005-03 Approving an Application for a Conditional Use Permit for a Request by MacGregor Development Company for Booth Mountain Community**, attached hereto and by reference made a part hereof.

After further discussion, the Chairman called the question.

The motion carried three (3) to two (2) with Commissioners Barnes and Cross opposing.

### **APPOINTMENTS**

**Water Advisory Committee Appointment:** Consideration of a request to appoint members to the Water Advisory Committee by Commissioner Outz and Commissioner Barnes

Commissioner Outz moved, seconded by Commissioner Emerson, to appoint Martin Mason, 41 Ed Clapp Road, Siler City, NC, to the Water Advisory Committee. The motion carried five (5) to zero (0).

Commissioner Barnes moved, seconded by Commissioner Emerson, to appoint William Sommers, 1067 Fearington Post, Pittsboro, NC, to the Water Advisory Committee. The motion carried five (5) to zero (0).

**Leadership Council of Orange and Chatham Counties:** Consideration of a request to appoint a Commissioner to the Leadership Council of Orange and Chatham Counties

Commissioner Morgan moved, seconded by Commissioner Emerson, to appoint Commissioner Cross to the Leadership Council of Orange and Chatham Counties. The motion carried five (5) to zero (0).

### **MANAGER' S REPORTS**

The County Manager reported on the following:

#### **Senator Elect Swearing In-Ceremony:**

Senator Elect Bob Atwater has issued an invitation to the Board of Commissioners for his swearing-in ceremony to be held on January 26, 2005 at 9:30 AM in the Senate Chambers.

### **COMMISSIONERS' REPORTS**

#### **Ag Extension and Annual Report:**

Chairman Morgan reminded everyone of the luncheon with the Ag Extension Service on February 7, 2005 at noon after the regularly scheduled Board of Commissioners' meeting.

#### **Revaluation:**

Commissioner Outz stated that several people had telephoned him regarding the Tax Department's request for a copy of their federal tax return for their tax revaluation, and that he felt that this was an invasion of privacy.

Commissioner Outz requested a map showing the percentage of increase in each district.

### **ADJOURNMENT**

Commissioner Barnes moved, seconded by Commissioner Outz, that there being no further business to come before the Board, the meeting be adjourned. The motion carried five (5) to zero, and the meeting was adjourned at 8:57 PM.

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Bunkey Morgan, Chairman

ATTEST:

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