

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
JULY 18, 2005

The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met in the District Courtroom, located in Pittsboro, North Carolina, at 6:00 PM on July 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 Chairman called the meeting to order 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 Outz delivered the invocation.

AGENDA AND CONSENT AGENDA

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

He informed those present that several items had been reviewed and acted on in the afternoon work session as follows:

- Item #13, Southeast and Southwest Water District Resolutions were approved
- Item #25, Variance from the Chatham County Subdivision Ordinance was postponed until the August 1, 2005 Board of Commissioners’ meeting
- Item #27, Agriculture Advisory Committee Appointment was acted upon
- Item #28, Chatham County Library Board Appointment was acted upon
- Item #29, Economic Development Board appointment was acted upon
- Item #30, Recreation Advisory Board appointment was acted upon

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

1. **Minutes:** Consideration of a request to approve Board minutes for regular meeting held June 20, 2005 and Work Session held June 20, 2005

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

2. **Resolution for Addition of Road to the North Carolina System of Secondary Roads:** Consideration of a request to approve a **Resolution #2005-42 for the Addition of Street or**

Road to the North Carolina System of Secondary Roads – Weaver Trail in the Weaver Creek Subdivision, attached hereto and by reference made a part hereof.

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

3. **Scrap Tire Disposal Contract:** Consideration of a request to approve scrap tire disposal services contract with Central Carolina Holdings, LLC (CCH), attached hereto and by reference made a part hereof.

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

4. **Public Hearing for Proposed National Incident Management System Ordinance:** Consideration of a request to set August 15, 2005 as the date on which to hold a public hearing to gain public input on the proposed Chatham County National Incident Management System Ordinance

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

5. **Sketch and Preliminary Design Approval of “Shambley Meadows, Phase II”:** Consideration of a request by H & A Properties for subdivision sketch and preliminary design approval of **“Shambley Meadows, Phase II”**, consisting of 18 lots, on approximately 35 acres, off SR #2167, Jay Shambley Road and SR #2165, Hickory Mountain-Hadley Mill Road, Hickory Mountain Township

As per the Planning Department and Planning Board recommendation, approval of the road names **Shambley Meadows Drive** and **Blarney Stone Circle** and sketch and preliminary design were granted as submitted.

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

6. **Preliminary Design Approval of “Bingham Ridge”:** Consideration of a request by J & B Partners, LLC for subdivision preliminary design approval of **“Bingham Ridge”**, consisting of 24 lots on approximately 97 acres, off SR #1536, Lamont Norwood Road, Baldwin Township

As per the Planning Department and Planning Board recommendation, the road name **Bingham Ridge Drive** and preliminary approval of the plat were granted as submitted.

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

7. **Sketch, Preliminary and Final Approval of “The Thompson Farm, Lot 15-B”:** Consideration of a request by Thomas Mills for subdivision sketch, preliminary and final approval of **“The Thompson Farm, Lot 15-B”**, consisting of one (1) lot on 5.00 acres, off a pre-existing roadbed connecting to SR #1544, Lashley Road, Baldwin Township

As per the Planning Department and Planning Board recommendation, sketch, preliminary, and final approval of the request were granted with the following condition:

1. No further subdivision of Lots 15-A or 15-B be allowed for an additional 24 months from date of approval by the Board of County Commissioners.

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

8. **Board of Elections HAVA Grant Application:** Consideration of a request to apply for Health and Human Services HAVA (Help America Vote Act) Grant under the State Board of Elections

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

9. **NCACC Voting Delegate:** Consideration of a request to appoint County Commissioner Mike Cross as the 2005 NCACC Annual Conference Voting Delegate

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

10. **CCCC Board of Trustees Appointment:** Consideration of a request to appoint Commissioner Patrick Barnes to replace Renee Dickson on the Central Carolina Community College Board of Trustees

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

11. **FY-05 Budget Transfers:** Consideration of a request to approve FY-05 budget transfers, attached hereto and by reference made a part hereof.

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

12. **Town of Siler City ETJ Member:** Consideration of a request to appoint Mickey Pore as an alternate to the Town of Siler City ETJ Board of Adjustment

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

END OF CONSENT AGENDA

PUBLIC INPUT SESSION

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

BOARD OF COMMISSIONERS' MATTERS

Southeast and Southwest Water District Resolutions: Consideration of a request to approve resolutions for the Southeast and Southwest Water Districts

Action on this item was taken in the afternoon work session.

PLANNING AND ZONING

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

Public Hearings:

Conditional Use Permit Request: Public hearing to receive public comments on a request by Sandy Pond Enterprises, LLC for a B-1 Conditional Use District with a Conditional Use Permit for veterinary clinics and hospitals with dog runs or equivalent facilities and for a dog boarding facility, on approximately four (4)

acres, located on the north east corner of US Highway #15-501 and Vickers Road, SR #1719 in Williams Township

Linda Sands, DVM, 4608 Grazling Drive, Apex, NC, stated that they are proposing a full-service veterinarian hospital with luxury boarding; that they are currently only planning "Phase A" which consists of a facility for the hospital, grooming, retain and day or overnight boarding for up to thirty pets; that "Phase B" will wait until County sewer is available; that they have included a demographic study by Claritas, the same company used by the recently approved "Chatham Downs" retail area anchored by Harris Teeter; that this area can support two more vets without adversely affecting surrounding vets; that with the rapid growth of existing residential areas and recent approval of Briar chapel, there will soon be a greater need in the community for another veterinary hospital and boarding facility; that having an additional hospital and boarding facility will provide a variety of services with more choices and selection for the residents of the community, contributing to the revenue for the County; that noise is commonly the major concern of the community; that the hospital section of the building (reception, exam rooms, recovery and treatment areas) is not generally an area of much noise production; that the boarding area is of concern; that no animals will be unattended outside the building and no animals will be housed outside overnight; that another concern may be with odor; that all animal excrement will be picked up three times daily, tightly bagged, and deposited into a dumpster to be emptied weekly; that the disposal of pet remains will include being stored in a large freezer and picked up weekly by a company for cremation.

She thanked the Board for their time and attention stating that they looked forward to becoming members of the community and providing the services to its growing needs.

Travis Blake, 9668 Highway #15-501, chapel Hill, NC, stated he is an adjoining property owner; that he and his family are opposed to this facility; that the application is incomplete and misleading; that the applicant left off a number of veterinarian hospitals in the area; that the facility will be a detriment to surrounding property owners; that an alarm system will need to be installed; that they can be loud; that this is not an appropriate place for this type of facility; that the completed facility could bring 100-150 cars per day to the area; that this area can get as much as three feet of water if there is any type of blockage of the culverts; that they will be turned down for on-site wastewater and they will need to apply to the State for an alternative system. Mr. Blake's written comments and supporting documentation are attached hereto and by reference made a part hereof.

Pat Pagel, 78 Green Tree Trail, Chapel Hill, NC, stated that she is the owner of Cole Park Veterinary Hospital; that she is concerned about the inaccuracies in the needs and desirability section; that there is incorrect information about Cole Park Veterinary Hospital; that they have added 2,600 sq. feet since she bought the practice; that they have four vets and twenty-three staff members; that they have excellent potential for growth; that they offer a high quality boarding for dogs and cats; that they have the capacity for forty pets; that Sandy Pond proposes to offer some of the same services; that there are three more vets in the five mile radius that was left out of the application; that there are 9 2/3 veterinarians in the demographic area; and that it is premature at this time to have this proposal approved.

John Davis, licensed soil scientist, stated that his company did the environmental study for this project; that the wetlands have not been formally designated; and that they feel that the permit will be granted for a certain amount of flow per day.

Michelle Pineda, stated that the reported growth in the area was actually an underestimate and that it would be much greater.

William Pittman, civil engineer, stated that he is working with a company that did a study of the site and that the pond would not be breached so the point of a stream present is irrelevant.

Revision of Existing B-1 Business District: Public hearing to receive public comments on a request by Rode Enterprises, Inc to add .311 acres (13,548 square feet) to the existing B-1 Business District, located at the intersection of US Highway #1 and SR #1012, Pittsboro-Moncure Road in Cape Fear Township

Carl Rode, 8036 Pittsboro-Moncure Road, Moncure, NC, stated that he owns the Jordan Dam Mini Mart; that they are trying to do another expansion to accommodate a larger diesel area; that they own the lot next door; that they want to add this to the store frontage; and that they would leave another undeveloped lot next to this lot to buffer from the neighbors.

Jerry Taylor, PO Box 60, Moncure, NC, stated that he owns property adjacent to the proposed expansion; that he has a problem with the dust from the property now; that he wanted to make sure that there would be a fence to help separate the property from residential homes.

Randy Lanier, 1248 Lee's Chapel Road, Sanford, NC, stated that he is one of Mr. Rode's customers; that the one pump is difficult in the winter time when it is cold and raining; that the new pumps will be high volume pumps; that he has to drive 15 miles into Sanford to find off-road pumps; that the area is tight as it is and the expansion will help eliminate the congestion.

Revision of Existing Conditional Use Permit: Public hearing to receive public comments on a request by Frank Kent Dickens for an expansion and revision of the existing Conditional Use Permit for a privately owned campground, specifically for campers, travel trailers, and recreational vehicles/motor homes to add 18.7 acres (total 26 acres) to include 84 additional sites (total 105 sites) along with a swimming pool, bath house and laundry facility, to be located off SR #1916, Corinth Road in Cape Fear Township

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

Revision to Existing Conditional Use Permit: Public hearing to receive public comments on a request by Robert Blichtington for a revision to the existing Conditional Use Permit for Michael Cates/Ferrellgas, L.P./propane gas business to a Conditional Use Permit for a contractor's office and shop on one (1) acre, located off US Highway #15-501 North in Baldwin Township

Nick Robinson, attorney representing Robert Blichtington; stated that requesting permission to change the use from an office/commercial/retail use for sales of propane gas to the public to a less intense usage as a contractor's office and shop; that if the application is approved, the use of this property for retail sales will be ended; that there will no longer be storage or propane gas on the property; that Mr. Blichtington requests that the conditional use permit be revised to allow this property to be used as a contractor's office and shop; that the property has a long history of commercial use; that it has been used for commercial purposes since prior to the adoption of zoning for the Baldwin Township in 1973; that in 1987 a conditional use permit was granted allowing use of the property as a lawn and garden center; that in 1993, the conditional use permit was amended to allow the property to be used for storage and sale of propane gas, as well as for offices for the NC Propane Gas Company; that this request is to reduce the intensity of the use to merely that of office and shop use for a contracting company; that this requested revision should have no problem meeting the five required findings; that the request meets all five findings; that the decision the Board needs to make on this is fairly straight forward from a zoning perspective; that this property has been in commercial use since prior to the adoption of the Zoning and Watershed Ordinances; and that it is an allowed conditional use and an approved existing development.

Revision to Existing B-1 Conditional Use Permit with Conditional Use Permit: Public hearing to receive public comments on a request by Cynthia Perry on behalf of Lynwood & Elizabeth Daniel for a revision to the existing B-1 Conditional Use Business District with Conditional Use Permit for an auto repair

garage to a Conditional Use Permit for (1) Sporting goods sales; (2) Printing and publishing; (3) Incidental storage of goods intended for retail sales on the premises; and (4) Uses and structures customarily accessory to any permitted use, on approximately 1.28 acres, located off SR #1540, Jones Ferry Road in Baldwin Township

Cynthia Perry, 179 Hillsboro Street, Pittsboro, NC, stated that she represents Chapel Hill Sportswear; that this proposal is less intensive than the previous usage; that the current use is Shorty's Car Care; that this facility will prepare internet ordered merchandise and ship one time per day; that the previous uses of oil and gas will not be present; that this facility will consist of the existing metal garage building used for office space; that the new proposed building would be of similar design; that Linwood Daniel owns the surrounding properties; that there will be at least 3-4 jobs created; and that so much of the business depends on things outside of their control.

Modification to Existing Conditional Use Permit for a Planned Unit Development: Public hearing to receive public comments on a request by Jeff Hunter on behalf of Colvard Farms for a modification to the existing Conditional Use Permit for a Planned Unit Development, specifically for a cluster development to add one (1) acre of land and one (1) lot, (total 146 lots) located off NC #751 in Williams Township

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

Revision to Existing B-1 Conditional Use Business District with Conditional Use Permit: Public hearing to receive public comments on a request by George Farrell on behalf of Kunal Enterprises, LLC for an extension of time on the existing B-1 Conditional Use Business District with Conditional Use Permit for limited business uses, located on the northeast side of the intersection of Bob Horton Road (SR #1744) and US Highway #64 East in New Hope Township

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

Amendment to the Chatham County Communications Tower Ordinance: Public hearing to receive public comments on a proposed amendment to the Chatham County Communications Tower Ordinance Article 3-2 to allow towers up to 300 feet in areas #2 and #3 when a public benefit is substantiated

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

Communication Tower Approval: Public hearing to receive public comments on a request by Tony S. Tucker, Chatham County Emergency Operations Director, on behalf of Chatham County to construct a 300 foot self supporting lattice communications tower on a one (1) acre portion of property owned by Beatrice Teague, Parcel #3977 consisting of a total of 5.84 acres, located off SR #1006, Siler City-Glendon Road in Bear Creek Township

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

Other Planning Items:

Variance from the Chatham County Subdivision Ordinance and Sketch Design Approval of "Fern Creek Subdivision": Consideration of a request by Cynthia Sax Perry on behalf of David C. Johnson for a variance from the Chatham County Subdivision Regulations, Section 6.4, Lots, (B) Arrangement, (3); and subdivision sketch design approval of "Fern Creek Subdivision", consisting of four (4) lots on approximately 15 acres, located off SR #1714, Sugar Lake Road, New Hope Township

As per the Planning Department and Planning Board recommendation, Commissioner Emerson moved, seconded by Commissioner Outz, to grant the variance request and approve the sketch design subdivision request with the following conditions:

1. The four lots in Fern Creek Subdivision meet the requirements of a County standard private road to have a five-acre average lot size without the benefit of lots currently being served by the western portion of the existing perpetual easement.
2. The preliminary and final plats shall have a cul-de-sac roadbed with a turn-around radius not less than forty (40) feet and a right-of-way radius of not less than fifty-five (55) feet.
3. A road maintenance agreement conforming to Section 6.2 C (2) of the Subdivision Ordinance shall be submitted for review prior to submittal of the final subdivision plat.

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

Sketch Design Approval of "Scarlet Oak": Consideration of a request by Steve Christopher for subdivision sketch design approval of "Scarlet Oak", consisting of seven (7) lots on approximately 12 acres, off SR #1530, Polks Landing Road, Baldwin Township

As per the Planning Department and Planning Board recommendation, Commissioner Outz moved, seconded by Commissioner Emerson, to grant sketch design approval as submitted. The motion carried five (5) to zero (0).

Variance from the Chatham County Subdivision Ordinance: Consideration of a request by Cynthia Sax Perry on behalf of Geraldine Williams Pollard for a variance from the Chatham County Subdivision Ordinance, Section 6.4, Lots, B (2) Arrangement

A decision on this matter was postponed until the next Board of Commissioners' meeting.

Revision to Watershed Protection Ordinance: Consideration of a request by Chatham Citizens For Effective Communities, Inc., et al for a revision to the Chatham County Watershed Protection Ordinance Section 303, Cluster Development

As per the Planning Department and Planning Board recommendation, Commissioner Outz moved, seconded by Commissioner Emerson, to deny the proposed revisions to Section 303 of the Watershed Protection Ordinance. The motion carried five (5) to zero (0).

BOARDS AND COMMITTEES

Agriculture Advisory Committee: Consideration of a request to appoint one member to the Agriculture Advisory Committee by Commissioner Emerson (1)

Action on this item was taken in the afternoon work session.

Chatham County Library Board: Consideration of a request to appoint two members to the Chatham County Library Board by Commissioner Barnes (1) and Commissioner Cross (1)

Action on this item was taken in the afternoon work session.

Economic Development Board: Consideration of a request to appoint/reappoint a member to the Economic Development Board by Commissioner Emerson (1)

Action on this item was taken in the afternoon work session.

Recreation Advisory Board: Consideration of a request to appoint/reappoint a member to the Recreation Advisory Board by Commissioner Emerson (1)

Action on this item was taken in the afternoon work session.

MANAGER' S REPORTS

The County Manager had no reports.

COMMISSIONERS' REPORTS

Revenue Neutral:

Commissioner Outz expressed concern about revenue neutral.

Revenue neutral deliberations ensued.

ADJOURNMENT

Commissioner Outz moved, seconded by Commissioner Emerson, that the meeting be adjourned. The motion carried five (5) to zero, and the meeting was adjourned at 7:33 PM.

Bunkey Morgan, Chairman

ATTEST:

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