

**MINUTES**  
**CHATHAM COUNTY BOARD OF COMMISSIONERS**  
**REGULAR MEETING**  
**AUGUST 15, 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 August 15, 2005.

Present: Chairman Bunkey Morgan; Vice Chair, Tommy Emerson; Commissioners Patrick Barnes, Mike Cross, and Carl Outz, County Manager, Charlie Horne; Attorney, Robert L. Gunn, 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 Cross delivered the invocation.

**AGENDA AND CONSENT AGENDA**

The Chairman asked that Item #2, (#3), Carol Holcomb, Attorney CPS/APS contract be removed from the Consent Agenda and placed on the Agenda for consideration at the next Board of Commissioners' meeting. He also asked, at the request of Mr. Rode, that Item #13, consideration of 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 Haw River Township and Item #21 consideration of a request to appoint a member to the Human Relations Committee be removed from the Agenda and considered at a later date. The Chairman explained that Items #16, Amendment to the Chatham County Communications Tower Ordinance, #17, Construction of Self-Supporting Communications Tower, #18, Award of bid for Harpers Crossroads communication Tower, #19, Approval of Southwest Water District Minutes, and #20, approval of Southeast Water District Minutes had been acted upon during the Work Session.

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

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

1. **Minutes:** Consideration of a request to approve Board minutes as follows:

July 18, 2005 Regular Meeting  
July 18, 2005 Work Session  
August 01, 2005 Regular Meeting  
August 01, 2005 Work Session

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

2. **Department of Social Services Contracts:** Consideration of a request to approve ten contracts for the Fiscal Year July 01, 2005 – June 30, 2006 for the Department of Social Services as follows:

1. Gunn & Messick – CPS/APS Backup Contract
2. Gunn & Messick – Child Support
3. ~~Carol Holcomb Attorney – CPS/APS~~
4. Chatham Transit Network – Transportation/MA
5. Chatham Trades
6. Chatham County Sheriff's Department – Child Support/Deputy Enforcement
7. Jane Malpass Consultant
8. Chatham Together
9. Rosemary Street Properties, LLC – Lease for Child Support
10. Child Care Networks, Inc.

Contract #3, Carol Holcomb, Attorney CPS/APS was removed from the Consent Agenda and will be considered at the next meeting. The contracts are attached hereto and by reference made a part hereof.

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

3. **Request for Revision to Roadway Status for "Windham, Phase I":** Consideration of a request by Eric Schwartz on behalf of Landco Realty for revision to roadway status for "Windham, Phase I", to change from a County standard private road to a State maintained public road; and for sketch design approval of "Windham, Phase II", consisting of 22 lots on approximately 123 acres, located off North Pea Ridge Road, SR #1700, New Hope Township

As per the Planning Department and Planning Board recommendation, the request to change the roadway in Windham, Phase I from a County standard private road to a State maintained public road (according to NCDOT standards and requirements) and the sketch design were granted as submitted.

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

4. **Sketch, Preliminary, and Final Approval of Currin Survey:** Consideration of a request by Robert Dale Currin for sketch, preliminary, and final approval of survey for "Robert Dale Currin & wife Vickie Rayben Currin", consisting of one (1) non-residential lot on 1.67 acres, located off Moncure-Pittsboro Road, SR #1012, Haw River Township

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

1. The commercial driveway permit be received by staff prior to issuance of a certificate of occupancy for the automotive repair garage.
2. The storm water retention pond be installed prior to issuance of a certificate of occupancy for the automotive repair garage.

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

5. **Final Approval of “Colvard Farms, Phase VI and VII”:** Consideration of a request by Jeff Hunter on behalf of Colvard Farms Development Company, LLC for subdivision final approval of “Colvard Farms, Phase VI and VII”, consisting of 37 lots on approximately 30 acres, located off Highway #751, Williams Township

As per the Planning Department and Planning Board recommendation, final approval of Phase VI and Phase VII and the road name “Fairstone Court” were approved as submitted.

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

6. **Request for Modification to Existing Conditional Use Permit for Colvard Farms:** Consideration of 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, bringing the total number of lots approved to 146, and a request for sketch design approval of Phase VIII, consisting of four (4) lots on 3.76 acres (portion of previously approved Phase VII) located off Highway #751, Williams Township

As per the Planning Department and Planning Board recommendation, the five findings were made and the request approved as submitted.

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

7. **Request for Extension of Time on Existing B-1 Conditional Use Business District:** Consideration of 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

As per the Planning Department and Planning Board recommendation, the request for a one (1) year time extension to expire on July 19, 2006 was granted as requested.

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

8. **Vehicle Bids for Sheriff’s Office:** Consideration of a request to award the bid to successful bidder for six new and eight replacement vehicles in the Sheriff’s Office

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

#### **END OF CONSENT AGENDA**

#### **PUBLIC INPUT SESSION**

**Loyse Hurley**, 16 Matchwood, Pittsboro, NC, stated that she was the president of CCEC; that she was there to talk about a seemingly tabled issue; that Chapel Ridge had just been cited for silt runoff; that the Corps of Engineers is evaluating Briar Chapel for potential silt runoff; that she is concerned with new construction activities around the County; that Fearington Village has had sedimentation problems from the

construction on Highway #15-501; that many recently approved developments have not yet broken ground; and that the County may see more of this problem in the future. Ms. Hurley urged the County to expedite the hiring of sedimentation and erosion control officers.

**Sally Kost** , 1101 New Hope Church road, Apex, NC, stated that there are currently two annexation requests being considered by Cary; that she asked if the Board or the Planning Board had discussed this with the Town of Cary; that the Board made a commitment to begin dialogue with the Town of Cary and to this point, little or nothing has been accomplished; that the vision for Chatham County should be defined by the County rather than letting Cary do it; and that a plan is important for the future.

### **BOARD OF COMMISSIONER'S MATTERS**

#### ***Public Hearing:***

**Public Hearing on CDBG Economic Development Grant Application:** Second public hearing to receive public comments on a CDBG Economic Development Grant application

Bill Lester briefed the Board on the intent of the grant to secure water to Southern Supreme in Bear Creek.

The Chairman opened the floor for public comments.

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

Chairman Morgan closed the public hearing.

#### ***Other:***

**Resolution of Support for the Submission of a Community Development Block Grant for Economic Development:** Consideration of a request to approve a **Resolution of Support for the Submission of a Community Development Block Grant for Economic Development – Water System Improvements to serve Southern Supreme, Chatham County, North Carolina**

Commissioner Emerson moved, seconded by Commissioner Outz, to adopt **Resolution #2005-47 of Support for the Submission of a Community Development Block Grant for Economic Development – Water System Improvements to Serve Southern Supreme, Chatham County, North Carolina**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

**Resolution to Execute Community Development Block Grant Related Documentation:** Consideration of a request to approve a **Resolution to Execute Community Development Block Grant Related Documentation – Water System Improvements to serve Southern Supreme, Chatham County, North Carolina**

Commissioner Emerson moved, seconded by Commissioner Barnes, to adopt **Resolution #2005-48 to Execute Community Development Block Grant Related Documentation – Water System Improvements to Serve Southern Supreme, Chatham County, North Carolina**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

### **EMERGENCY OPERATIONS**

#### ***Public Hearing:***

**Public Hearing on Proposed National Incident Management System Ordinance:** Public hearing to receive public input on the proposed Chatham County National Incident Management System Ordinance and consideration of a request to approve the proposed Chatham County National Incident Management System Ordinance

The Chairman opened the floor for public comments.

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

Chairman Morgan closed the public hearing

Commissioner Barnes moved, seconded by Commissioner Outz, to approve the Chatham County National Incident Management System Ordinance, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

### **PLANNING AND ZONING**

**Addition of Acreage to Existing B-1 Business District:** Consideration of 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 Haw River Township

This item was removed from the Agenda at the request of the applicant.

**Expansion and Revision to Existing Conditional Use Permit for Private Campground:** Consideration of 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, located off SR #1916, Corinth Road in Cape Fear Township

As per the Planning Department and Planning Board recommendation, Commissioner Cross moved, seconded by Commissioner Barnes, to grant the request for an expansion and revision of the existing conditional Use Permit for a privately owned recreation camp and grounds, 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 with the following fourteen conditions:

1. Construction of the campground shall commence within twelve (12) months of approval of the request for the Conditional Use Permit or the permit shall become null and void. Commencement of construction shall, at a minimum, mean that clearing and grading has commenced with an approved erosion control permit.
2. There shall be no more than 84 units on the additional 18+ acres for a total of 105 units. The spaces may be completed in phases as stated in the application.
3. Campground use is for temporary use only. "Temporary" is defined in this instance as up to two (2) years per unit. No permanent structures or tents are allowed, only campers, travel trailers, recreational vehicles and motor homes.
4. Units must be spaced a minimum distance of 30 feet apart.

5. The roadway extension may be completed in phases and shall be a minimum of 30 feet wide with a 16 foot wide travelway with four (4) inches of crush and run stone. The roadway for each phase shall be completed prior to a certificate of occupancy being issued for the phase.
6. No new signage is proposed by this application.
7. Lighting is allowed as shown on the site plan and shall be placed a minimum of 50 feet from the property lines and shall conform to the Chatham County Draft Lighting Ordinance.
8. Required landscaping/buffering on Dickens RV Park #1 and #2 shall be completed prior to issuance of the certificate of occupancy for the first phase of RV Part #2. There shall be a Type A, opaque buffer a minimum width of 25 feet wide along the southern boundary, (Corinth Road) of RV Park #2. The buffer is recommended to consist of a mixture of Virginia pine, eastern red cedar trees in a minimum 10 gallon size along with wax myrtles and other evergreen shrubs in a minimum size of 3 gallons. The original buffering along the Corinth Road side of RV Park #1 shall be expanded to the same width (25 feet) to include the same type of plantings. Landscaping/buffering along the northern and eastern boundaries is not recommended by the Planning Department staff. A fifty foot setback shall be reserved along the eastern property line with Utley and the access drive shall not be located within said area. Interior plantings shall be as shown on the site plan and additional trees are recommended within the interior, if space allows.
9. Required storm water management devices shall be in place prior to issuance of the certificate of occupancy for the first phase.
10. If an erosion control permit is required by NCDENR due to the amount of clearing necessary for construction of the campground and roadway, said permit shall be provided by the applicant to the Planning staff prior to any land disturbing activity or prior to the issuance of a building permit.
11. There shall not be any trash accumulation on the campground property. Trash removal shall be the responsibility of the campground owner.
12. The property owner shall maintain a log of record on the occupants of the campground. This information is to include the name of the temporary resident, the tag number of the camper, motor home, travel trailer, or recreational vehicle, and the dates they checked into the campground as well as the dates they checked out. A copy of this log shall be available to the Planning Department and a copy filed in the Planning Department office every twelve months.
13. A building permit shall not be issued for any phase without the required permits from the Chatham County Environmental Health Department.
14. Occupancy of the campground shall not commence until all required state or county approvals have been received.

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

**Revision to Existing Conditional Use Business District for Auto Repair Garage:** Consideration of 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

As per the Planning Department and Planning Board recommendation, Commissioner Emerson moved, seconded by Commissioner Outz, to grant 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; (This specific request and subsequent approval is not for walk-in retail sales, but is for sales through the internet and phone); (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 with the following three (3) conditions:

1. A revised site plan shall be furnished to staff showing a 40 foot wide strip of land to be reserved for possible future landscaping/buffering if the adjacent properties belonging to Daniel are sold or developed in the future.
2. Lighting shall be as stated in the applicant's text and shall conform to the Chatham County Draft Lighting Ordinance.
3. Signage is allowed to be one non-illuminated sign no larger than 32 square feet in area.

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

## **BOARDS AND COMMITTEES**

**Human Relations Committee:** Consideration of a request to appoint a member to the Human Relations Committee by Chairman Morgan

An appointment to the Human Relations Committee was deferred until a later date.

## **MANAGER' S REPORTS**

The County Manager reported on the following:

The State adopted the budget; that included in the budget was \$450,000 allocated to the building of the Central Carolina Community College in the Chatham County Business Park; and that there was also a \$50,000 allocation for bio-technology at the Pittsboro Campus.

## **COMMISSIONERS' REPORTS**

### **Chapel Ridge:**

Chairman Morgan asked that a presentation on Chapel Ridge and the erosion situation be placed on the agenda for next meeting

### **Next Board of Commissioners' Meeting:**

Chairman Morgan reminded everyone that the next Board of Commissioners' meeting will be held on Tuesday, September 6, 2005

**Impact Fee:**

Commissioner Cross expressed concern with regard to an earlier matter he brought before the Board regarding the possibility of a citizen paying impact fees twice on a mobile home that is to be moved from one location and relocated approximately one mile away within the County.

A discussion ensued and the Board asked that Staff look into this issue and report back to the Board.

Commissioner Emerson stated that Commissioner Cross had a very valid point; that the Board should give it due diligence; that he recommends that management, at the next Work Session, come prepared with possible alternatives and steps required to change the ordinance; that research with other counties be done; that the Institute of Government be contacted in order to obtain more information so that a more informed decision can be made.

Commissioner Cross stated that the mobile home was put into place before the County's impact fee was established; that the man needs a decision; that if the impact fee can not be waived, he is going to have to let the mobile home be repossessed.

Chairman Morgan asked that this matter be placed on the September 19, 2005 Board of Commissioners' Work Session.

**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 6:46 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