

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
SEPTEMBER 19, 2005

The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met in the District Courtroom, 12 East Street, located in Pittsboro, North Carolina, at 6:00 PM on September 19, 2005.

Present: Chairman Bunkey Morgan; Vice Chair, Tommy Emerson; Commissioners Patrick Barnes, Mike Cross, and Carl Outz, County Manager, Charlie Horne; Assistant County Manager, Renee Dickson; Finance Officer, Vicki McConnell; and County Attorney, Robert L. Gunn

Absent: Clerk to the Board, Sandra B. Sublett

The meeting was called to order by the Chairman at 5:59 PM.

PLEDGE OF ALLEGIANCE AND INVOCATION

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

AGENDA AND CONSENT AGENDA

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

The Chairman asked that the minutes of the September 6, 2005 Board of Commissioners’ work session be removed from the Consent Agenda for consideration at a later date.

The Chairman asked that Item #5, Preliminary Approval of “Henry’s Ridge”, be removed from the Consent Agenda and placed on the Regular Agenda.

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

CONSENT AGENDA

1. **Minutes:** Consideration of a request to approve Board minutes for ~~regular meeting held September 6, 2005~~ and Work Session held August 15, 2005

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

2. **Road Names:** Consideration of a request from citizens to approve the naming of private roads in Chatham County as follows:

A. Burkes Farm Drive

- B. Coble Boys Drive
- C. Glenn Routh Road
- D. Papou Lane
- E. Trout Lily Lane

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

3. **Vehicle Purchase:** Consideration of a request to award vehicle purchase for Department of Social Services and Fire Marshal's Office

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

4. **Preliminary Approval of "Colvard Farms, Phase VIII":** Consideration of a request by Jeff Hunter on behalf of Colvard Farms, Development Co., LLC for subdivision preliminary approval of "Colvard Farms, Phase VIII" consisting of four (4) lots on approximately four (4) acres, located off Highway #751, Williams Township

As per the Planning Department and Planning Board recommendation, preliminary design approval of Colvard Farms, Phase VIII was granted as submitted.

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

5. ~~**Preliminary Approval of "Henry's Ridge":** Consideration of a request by Ricky Spoon for subdivision preliminary approval of "Henry's Ridge" consisting of 40 lots on approximately 4 acres, located off SR #1823, Henry Webster Road, (US #64 Service Road), New Hope Township~~

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

6. **Preliminary and Final Approval of "Bobcat Point, Phase IV":** Consideration of a request by Ricky Spoon for preliminary and final approval of "Bobcat Point, Phase IV", Lots #119-126, consisting of eight (8) lots on approximately 44 acres, located off SR #1558, Henderson-Tanyard Road and Poplar Forest Lane, Hadley Township

As per the Planning Department and Planning Board recommendation, preliminary and final approval of Bobcat Point Subdivision, Phase IV (Lots #119-126) were granted as submitted.

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

7. **Final Approval of "Cedar Grove, Phase III":** Consideration of a request by Mac Development for final approval of "Cedar Grove, Phase III" consisting of five (5) lots on approximately twelve (12) acres located off SR #1540, Jones Ferry Road, Baldwin Township

As per the Planning Department and Planning Board recommendation, final approval of Cedar Grove, Phase III 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).

8. **Final Approval of “Shambley Meadows, Phase II:”** Consideration of a request by H & A Properties for final approval of “Shambley Meadows” consisting of eleven (11) lots on approximately 23 acres, located 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, final approval of “Shambley Meadows, Phase II” 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).

9. **Final Approval of “Valley Meadow” (formerly Midfield):** Consideration of a request by Coffey Grounds, Inc. for final approval of “Valley Meadow” consisting of 26 lots on 75 acres, located off SR #1532, Mann’s Chapel Road, Baldwin Township

As per the Planning Department and Planning Board recommendation, final plat approval of Valley Meadow was granted with the following conditions:

1. The plat shall not be recorded until the County Attorney has approved the financial guarantee.
2. The plat shall not be recorded until staff has received documentation from the Chatham County Public Works Department that the water lines have been completed, testing done, as-built plans received, and water tap fees paid.
3. Declaration of Covenants, conditions, and Restrictions for Valley Meadow shall include language regarding maintenance and restrictions of pond on lots #23, 24, 25, and 26 and shall be recorded in the Office of the Register of Deeds.

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

10. **NCDENR:** Consideration of a request to approve contract with North Carolina Division of Forest Resources, attached hereto and by reference made a part hereof

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

11. **Jail Telephone Contract:** Consideration of a request to approve contract for Jail Inmate Communication system, attached hereto and by reference made a part hereof

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

END OF CONSENT AGENDA

PUBLIC INPUT SESSION

Peter Theye, 1065 Boothe Hill Road, Chapel Hill, NC, stated that until recently he felt indebted to the Board of Commissioners who serve the community; that his respect for donating time has been replaced with contempt; that 25 years ago the Corp of Engineers offered the Board of Commissioners a deal that cost the

County; that the myopic look at development has caused a great need for infrastructure; that we really need the ½ cent sales tax; that tax increases are a result of short sightedness; that the development has not helped increase sales tax revenue; that there is value in caring about where and how you live; that it is important to be good stewards of the land; and that this is the last time he plans to address this Board about these issues.

Robert Sears, 454 Lewter Shop Road, Apex, NC, stated that he would like to speak about three items; that the Sedimentation and Erosion Control position is critical; that Chapel Ridge has already had violations; that the position is partially funded by the state; that the person must have teeth; that they must have the control/authority to stop projects and enforce the ordinance; that the County needs to talk to the Cary City Council; that Cary is slowing encroaching into Chatham County; and that the Board of Commissioners should consider a moratorium on any development with more than 25 units.

George Lucier, 628 Redbud, Pittsboro, NC, stated that the commercial/residential development on Highway #15-501 is explosive; that development by itself is a financial risk; that he asks why there is not a plan for the growth along the major corridors; that these concerns can be balanced by a plan that considers all stakeholders; that the County can either use the Land Use Plan or revise it; that the County has the capacity for responsible planning; that the Compact Communities Ordinance is a good example; that developments must address concerns up front; that he urges a major corridor ordinance that addresses Highway #15-501 to start, but also looks at Highways #64 and #421; that the County does not need a two-year process; that it must be a priority; that the Planning Board should draft an ordinance and involve municipalities; that the ordinance should be flexible and adaptable to change; that it should provide a template for bringing in good jobs and preserving the way of life; and that the Planning Board should appoint a sub-committee that operates under strict guidelines and a schedule.

Loyse Hurley, 16 Matchwood, Pittsboro, NC, President of CCEC, stated that some Board of Commissioner members may be under the wrong impression that CCEC's request for a commercial corridor ordinance is for only Highway #15-501; that it is for all 4-lane highways in the County; that Rita Spina's comments at the last meeting were not her personal opinion but were the view of CCEC; that comprehensive planning is needed now; and that Commissioner Cross suggested a moratorium on development until the County could catch up.

Jeffrey Starkweather, 890 Old Goldston Road, Pittsboro, NC, stated that he wanted to talk about the commercial corridor ordinance; that people are angry and frustrated about what has happened and what will happen on Highway #15-501; that people are stuck in traffic; that every time there is an entrance onto Highway #15-501 traffic is slowed; that if developments are considered one-by-one, the big picture is not being looked at; that the Highway #15-501 corridor needs to move traffic; that first impressions are lasting impressions; that if all companies see is strip commercial, it needs to be remedied as soon as possible; that the County needs to be working on the 10/70 rule in order to be ahead of the game; that changing the zoning process is putting the cart before the horse; that the plan needs to come first; that the highway corridor ordinance is the plan; that the Land Use Plan outlined discouraging strip development in sensitive areas; that it encouraged commercial development on side roads, not on main thoroughfares; that the County needs to be serious about planning; and that the 10/70 plan needs to be put aside until this plan is in place.

PLANNING AND ZONING

Preliminary Approval of "Henry's Ridge": Consideration of a request by Ricky Spoon for subdivision preliminary approval of "Henry's Ridge" consisting of 40 lots on approximately 4 acres, located off SR #1823, Henry Webster Road, (US #64 Service Road), New Hope Township

Chairman Morgan noted that the above description should read "consisting of 40 lots on

approximately 84 acres”, instead of the listed 4 acres.

As per the Planning Department and Planning Board recommendation, Commissioner Cross moved, seconded by Commissioner Outz, to grant preliminary approval of Henry’s Ridge as per the noted change. The motion carried five (5) to zero (0).

CHATHAM COUNTY VOLUNTEERS

Resolution Honoring Chatham County’s Outstanding Volunteers of 2005: Consideration of a request to adopt **Resolution Honoring Chatham County’s Outstanding Volunteers of 2005**

Chairman Morgan read the resolution and recognized the volunteers in attendance.

Commissioner Emerson moved, seconded by Commissioner Outz, to adopt **Resolution #2005-52 Honoring Chatham County’s Outstanding Volunteers of 2005**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

PLANNING AND ZONING

Other Planning Items:

Sketch, Preliminary and Final Approval of “Chatham Downs”: Consideration of a request by Lat Purser & Associates, Inc. on behalf of ITAC 92, LLC for subdivision sketch, preliminary and final approval of “Chatham Downs”, consisting two (2) lots on approximately two (2) acres, located off US Highway #15-501 North and SR #1721, Lystra Road, Williams Township

As per the Planning Department and Planning Board recommendation, Commissioner Outz moved, seconded by Commissioner Cross, to grant sketch, preliminary, and final approval of the plat entitled “Chatham Downs shopping Center” with the following conditions:

1. The plat shall not be recorded until staff has received the following documents:
 - a. Revised Operations Permits for the Collins and Oakley tracts from the Chatham County Health Department,, Environmental Health Division
 - b. Recorded copy of the cross parking easement from tracts Two and Three
 - c. Recorded copy of all utility easements as required by the Chatham County Health Department, Environmental Health Division
2. The final plat shall show the approximate location of the two cemeteries located on the parent tract along with pedestrian easement(s) for access.

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

Public Hearings:

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

Proposed Revisions to Watershed Protection Ordinance: Public hearing to receive public comments on proposed revisions to Sections 102, Jurisdiction; 301, Establishment of Watershed Area; and 304, Buffer Areas Required of the Watershed Protection Ordinance. The amendments are related to the

reclassification of an area 0.5 miles from the proposed Rocky River Lower Reservoir and include revisions to the "Watershed Map of Chatham County" and stream buffer requirements

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

Revision to Existing Conditional Use Permit by Danny Franklin Thomas: Public hearing to receive public comments on a request by Danny Franklin Thomas to (a) to allow a one-year extension of time and revision to condition # 17 to allow a five-year (5) completion date and a revision to the existing signage allowed on the property

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

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Modification of Existing Conditional Use Permit for a Planned Unit Development by Gaines Brothers of Chatham, LLC: Public hearing to receive public comments on a request by Mark Ashness on behalf of Gaines Brothers of Chatham, LLC for a modification to a RA-40 zoning district with a Conditional Use Permit for a Planned Unit Development, "The Homestead", to add 50.6 acres of land to the RA-40 zoning district and nine (9) additional residential lots to the Planned Unit Development, located off SR #1716, Big Woods Road, New Hope Township

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Mark Ashness, 30020 Village Park, Chapel Hill, NC, stated that he was representing the developer; that this project was approved in March 2004; that at the time of approval, the Gaines Brothers were encouraged to look at the DeLoach property; that they have acquired that property; that the property had been used for timber management; that the upper limits of the Parkers Creek tributary is in the upper corner; that the meadows associated with Phase I has been seeded; that wastewater permits have been approved; that there are almost no wetlands; and that they are requesting to add 50 acres and 9 additional lots.

Cynthia Perry, 179 Hillsboro Street, Pittsboro, NC, stated that this modification keeps in line with the original plan; that there is no significant change in the plan; and that she is more than happy to answer any questions.

Commissioner Barnes voiced concern with regard to the drainage into Jordan Lake. He stated that he was against The Homestead and would vote against it.

Doug Brown, 1525 Hatley Road, Pittsboro, NC, stated that he is an adjacent property owner; that the project has a pleasing appearance that hopefully will generate adequate tax revenue; that this project is a closed system; that it requires extensions to public utilities; that currently the build-out is a collection of closed communities; that the adjacent property owners have to put in long extensions; that it may not be the best for long-range planning for the County; that he asks for utility easements; that he is concerned about the quality of Jordan Lake's water; and that there are issues with storm run-off.

Conditional Use Permit for Various Uses by Baycorp Development, Inc.: Public hearing to receive public comments on a request by Baycorp Development, Inc. on behalf of Clarence M. Walters for a Conditional Use B-1 Business District with a Conditional Use Permit for various uses, consisting of one (1) lot on approximately 4.6 acres, located off US Highway #15-501 North and SR #1532

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Nick Robinson, representing Baycorp Development, stated that the proposed use for the site is a bank; that the property is currently owned by the Walters; that it has had a Conditional Use Permit for small appliance repair; that this parcel is a natural fit for business; that this parcel is designated for restricted business uses; that there are negotiations for a bank proposal; that he has submitted materials as items of record; that they met with the Appearance Commission; that this project will blend well with the other

commercial uses at this site; that it meets the requirements of the Land Use Plan; that commercial development exists on all four quadrants of the intersection now; that it is certainly an economic development center and commercial crossroads area. He further stated that the proposed business use is beneficial to the area and County in tax revenue; that the prospect of this area as a residential area is diminished based on the widening of the intersection and increased commercial development; that estimated tax revenue is ten-fold what it is now; that demands on County services will be minimal; that there will be 10-15 employees; that it will not be a detriment to the community; that the Department of Transportation's recommended improvements will provide for minimal traffic impact; that impervious surfaces are 21.2%; that the soils are suitable for sub-surface septic system; and that it is an opportunity to guide commercial projects to the appropriate area.

Robert Eby, 19 E. Madison, Pittsboro, NC stated that he is representing CCEC; that this proposal is straightforward; that it requests rezoning; that the rezoning to B-1 makes sense; that the Conditional Use Permit is another story; that the presentation is misleading; that the accompanying text request does not have a commitment to build a bank; that the proposal asks that when Baycorp decides what it wants to build, it doesn't have to have another public hearing on an amendment; that no specific site plan has been submitted; and that approving the request would freeze out an opportunity for the public to comment later. He urged the Board of Commissioners to wait for a specific site plan.

Nick Robinson stated that the options in Chatham County are limited; that they could ask for B-1 and allow anything at all, but that they are asking for a more restrictive list.

Jeffrey Starkweather, 890 Old Goldston Road, Pittsboro, NC stated that people of Chatham County would like to have a specific development before approval; that the list is too broad; that the Land Use Plan encourages entrances on side roads; that the entrance off of Highway #15-501 would cause congestion; and that the only entrance should be off of Mann's Chapel Road.

Nick Robinson stated that the Department of Transportation recommended the driveways; that there is a median on Highway #15-501 now; and that will allow for safer access.

Conditional Use Permit Request by North Chatham Investments, Inc.: Consideration of a request by North Chatham Investments, Inc. for a Conditional Use Permit for a Planned Unit Development and daycare facility with the existing RA-40 zoning district and a B-1 Conditional Use Business District with a Conditional Use Permit for various uses, on approximately 98.5 acres, located off US #15-501 North and SR #1721, Lystra Road, Williams Township

Norman Block, 2213 Winpost Lane, Apex, NC, spoke in support of the proposal. He stated that there is tremendous pressure on Chatham; that Travis Blake is a local resident; that he has tried to do something the right way and listen to the community; that this hard work should not be lost in the midst of all the negative talk about development in general.

Travis Blake, owner of the property, stated that he has tried to build a thoughtful project; that this project takes into careful consideration responsible growth; that it is environmentally sound; that he has taken effort to include many stakeholders; that it will meet the Phase II guidelines for stormwater runoff; that the wastewater treatment facility is state-of-the-art; that the tenant mix is designed to encourage traffic from Orange County; that this has been conceived by business people in the area; and that there is medical office space included.

Loyse Hurley, 16 Matchwood, Pittsboro, NC, President of CCEC; stated that they would like to compliment Travis Blake for his outreach to the community; that he was always open to suggestions; that he

wanted this development to be a model; that he has made changes based on concerns and considered other recommendations; that he plans to have an office within the development; that this project attempts to meet the needs of the community; that this project should be an asset to the community; that the reuse of the wastewater will lessen the impact on Jordan Lake; and that it will still meet the impervious surface requirements. She further stated that CCEC has one main reservation and that is the traffic burden; that it is not located at a four-way intersection; that Mr. Blake has attempted to get a full entrance on Lystra Road but has been stymied by the Department of Transportation; that southbound traffic will have difficulty entering the project; that the alternative is to enter at the second Lystra Road entrance but that would compromise safety in the development; and that traffic aside, CCEC recommends approval of the project.

Travis Blake stated that he is trying to work with the adjacent property owner to combine driveways; that they have relocated the day care; that they are working with all interested parties; that as they move forward he is trying to work with other developers; and that he has a bus stop included that will be serviced by Chapel Hill Transit.

BOARD AND COMMITTEES

Appearance Commission: Consideration of a request to appoint three members to the Appearance Commission

Chairman Morgan moved, seconded by Commissioner Outz, to reappoint Sue Schwartz, 312 Shady Grove, Pittsboro, NC, to the Appearance Commission. The motion carried five (5) to zero (0).

MANAGER' S REPORTS

FY 2006-07 Budget Calendar: Consideration of a request to adopt the FY 2006-07 Budget Calendar

Commissioner Emerson moved, seconded by Commissioner Outz to adopt the FY 2006-2007 Budget Calendar, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Ernest Ramsey Gym:

The County Manager stated that the Chatham County Schools is interested in selling the Ernest Ramsey Gym located in Siler City, and by General Statute, the Board of Education must offer first refusal to the County.

Commissioner Emerson moved, seconded by Commissioner Cross to refuse the purchase of the Ernest Ramsey Gym in Siler City. The motion carried five (5) to zero (0).

Lease for Office Space:

The County Manager stated the office space is needed for the Grants and Special Projects Manager and that space had been located on Hillsboro Street in Pittsboro.

Commissioner Emerson moved, seconded by Commissioner Outz to approve the lease for office space for the Grants and Special Projects Manager. The motion carried five (5) to zero (0). The lease is attached hereto and by reference made a part hereof.

COMMISSIONERS' REPORTS

Combustible Products Management Offer:

Commissioner Cross stated that he was approached by a gentleman offering to build a golf course for the Moncure area; that the company mixes fly ash from the coal plant with soil to make the golf course; that fly ash is a by-product of generating electricity from burning coal; that it exceeds EPA standards for taste and odor for drinking water; and that he recommended that the Board not entertain this offer.

Commissioner Cross moved, seconded by Commissioner Emerson, that the Board of Commissioners not pursue the CPM Virginia offer to construct a Moncure-area golf course and recreational area. The motion carried five (5) to zero (0).

Affordable Housing Task Force:

Commissioner Cross stated that his interest in an Affordable Housing Task Force began with the discussions around Briar Chapel, and that there is a group of 14 people that have been organized to look at this issue.

Commissioner Cross moved, seconded by Commissioner Emerson, to create the Chatham County Affordable Housing Task Force as an official Chatham County Board.

It was discussed that the Planning Board appoint a representative for this board. The Planning Director voiced concern about a Planning Department staff member being an official board member of the committee but stated that he did not see any problems with a staff member attending meetings to represent the Planning Department.

The motion was amended to include a Planning Board appointee to the Chatham County Affordable Housing Task Force and that the County and municipal staff be in advisory capacity only.

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

Commissioner Cross stated that he appreciated the concern expressed to the family of Evelyn Cross on the death of her husband this last week.

Sedimentation and Erosion Control Position:

After considerable discussion, Commissioner Barnes moved, seconded by Commissioner Cross; that the soil and erosion control positions remain or be placed in the Health Department.

Commissioner Emerson stated that he opposed the motion, stating that the management of personnel should remain with the County Manager.

The motion carried three (3) to two (2), with Commissioners Morgan and Emerson opposing.

Commissioner Barnes stated that he was not comfortable with the language in the budget ordinance allowing the County Manager the authority to create, terminate, and transfer positions.

Soil Survey:

Commissioner Outz stated that the soil survey was completed, but there was no funding to provide for the printing and distribution of the survey. He asked that a letter be sent to Representative Bob Ethridge and

Representative David Price for assistance in securing the necessary funding in this matter.

ADJOURNMENT

Commissioner Emerson moved, seconded by Commissioner Barnes, to adjourn the regular meeting. The motion carried five (5) to zero (0), and the meeting was adjourned at 8:25 PM.

Bunkey Morgan, Chairman

ATTEST:

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