

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
OCTOBER 17, 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 October 17, 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 Barnes delivered the invocation.

AGENDA AND CONSENT AGENDA

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

Chairman Morgan explained that Item #14, Consideration of a request by the Chatham County Watershed Review Board for revisions to Sections 102, 301(F), and 304 (A) of the Chatham County Watershed Protection Ordinance will be considered at a later date; 15 Consideration of a request to appoint a member to the Appearance Commission by Commissioner Outz (1) that Item #17, Consideration of a request to appoint a member to the Affordable Housing Committee will be deferred until a later date; Item #16, Consideration of a request to appoint a member to the Human Relations Board by Chairman Morgan and Item #18, Consideration of a request to appoint two members to the Recreation Advisory Board by Commissioner Emerson (1) and Commissioner Barnes (1) were made during the afternoon Work Session.

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 as follows:

October 03, 2005 Regular Meeting
October 03, 2005 Work Session
October 03, 2005 Southeast Water District Board
October 03, 2005 Southwest Water District Board

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

2. **Resolution Setting Time and Place of Board of Commissioners' Meetings for 2006:** Consideration of a request to adopt a **Resolution #2005-53 Setting the Time and Place of Its Regular Meetings for the Chatham County Board of Commissioners for Calendar Year 2006**, attached hereto and by reference made a part hereof.

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

3. **Vehicle Purchase for Sheriff's Office:** Consideration of a request to approve the purchase of seven vehicles for the Chatham County Sheriff's Office from Capital Ford under State contract totaling \$106,885.38

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

4. **Preliminary Subdivision Approval of "Millcroft Cluster Homes" in Fearington:** Consideration of a request by Dan Sears, Sears Design Group on behalf of Fitch Creations, Inc. for subdivision preliminary review and approval of **"Millcroft Cluster Homes (Fearington Section XV)"**, consisting of 37 lots on 15 acres, Williams Township

As per the Planning Department and Planning Board recommendation, preliminary approval of "Millcroft Cluster Homes" was granted with the following conditions:

1. Construction of the water lines shall not commence until staff has received a copy of the NCDWQ water line plan approval.
2. The final plat shall show an emergency, fire lane access with a minimum 12-foot wide travel way, from the end of the cul-de-sac in Cluster #1 to East Camden.
3. Curb and gutter of private streets shall stop at the right-of-way of Millcroft.

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

5. **Final Subdivision Approval of "Millcroft Cluster Homes, Close Two" in Fearington:** Consideration of a request by Fitch Creations for final subdivision review and approval of **"Millcroft Cluster Homes, Close Two"**, consisting of three (3) lots, on .941 acres, located off Millcroft (public road), Williams Township

As per the Planning Department and Planning Board recommendation, final approval of "Millcroft Cluster Homes", Close Two" was granted as submitted.

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

6. **Final Subdivision Approval of "The Cottages at Stonegate, Phase II":** Consideration of a request by Pittman-Korbin, Inc. for final subdivision review and approval of **"The Cottages at Stonegate, Phase II"**, consisting of 15 lots on 46 acres, located at the intersection of SR #1535, Gilmore Road and SR #1534, Poythress Road, Baldwin Township

As per the Planning Department and Planning Board recommendation, the final plat of "The

Cottages at Stonegate, Phase II” was granted with the following conditions:

1. The plat not be recorded until the County Attorney has approved the financial guarantee.
2. The mylar copy of the plat shall display a voluntary agriculture district certificate.

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

7. **Final Subdivision Approval of “Windfall Creek, Phase I”:** Consideration of a request by Van R. Finch, Surveyor on behalf of Contentnea Creek Development Company for final subdivision review and approval of “**Windfall Creek, Phase I**”, consisting of 14 lots on 57 acres, located off SR #1716, Big Woods Road, New Hope Township

As per the Planning Department and Planning Board recommendation, final approval of “Windfall Creek, Phase I” was granted as submitted.

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

8. **Final Subdivision Approval of “Colvard Farms, Phase VIII”:** Consideration of a request by Jeff N. Hunter for final subdivision review and approval of “**Colvard Farms, Phase VIII**”, consisting of four (4) lots on 4 acres, located off NC Highway #751 and Colvard Farms Road, Williams Township

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

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

9. **Resolution to Exempt:** Consideration of a request to adopt **Resolution #2005-54 to Exempt Chatham County Sewer Feasibility Study Project From the Provisions of GS 143-64-31**, attached hereto and by reference made a part hereof.

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

END OF CONSENT AGENDA

PUBLIC INPUT SESSION

Joe Fraser, 4 Matchwood, Pittsboro, NC, stated that in the Chatham County Land Use Plan, there is a stipulation of specific nodes designated for commercial and retail development along the 15-501 Corridor; that the idea is that development should be at designated “nodes” along these roadways and not one strip mall after another; that the County needs a “Commercial Corridor Ordinance” for all three major roadways in the County on Highways #15/501, #64, and #421; that in the past few years, there has not been one proposal that was not approved; that he thinks the last rejection was Briar Chapel I; that he is asking the Board to put a moratorium on development until there is a Commercial Corridor Ordinance in place; that having such an ordinance would serve several purposes as follows: 1) Prevent commercial sprawl; 2) Offer guidelines to potential developers; 3) Reduce the amount of time, money, and effort that goes into individual requests; 4) Provide an opportunity for proactive consideration of this type of growth; that on December 11, 2003 in an

e-mail, the Planning Director expressed his ideas and ended with, "I am confident that if first given the charge to proceed with such an effort by the Board of Commissioners, that the Planning Board under consensus will accomplish the task quite successfully."; that on December 12, 2003, George Lucier's e-mail expressed, "I think that your comments are right on target. We need to keep the whole county in mind as we embark on any planning activity. As we've discussed before, 64 and 421 corridors along with our southern section of 15/501 are ripe for development and we could hopefully get ahead of the curve and prevent some problems rather than just reacting to them." He further stated that preparedness and having a plan is essential for effective growth and development; that the Planning Board drafted the stream buffer requirements and it worked well; that he would like to ask the Board to consider the recommendation by Commissioner Cross for a moratorium on development until the County has the necessary infrastructure of a "Commercial Corridor Ordinance"; that in the December 10, 2003 discussion regarding Chatham Downs, Commissioner Morgan stated that "We (the Board of Commissioners) have not done the planning we should have for the 15/501 Corridor, but the developer should not be penalized for our sins of omission in the past." He asked that the Board not penalize the good citizens of Chatham County and issue a moratorium on development until the County has in place a "Commercial Corridor Ordinance."

PLANNING AND ZONING

Zoning and Ordinance Amendment:

Land Addition to Existing 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

The Board heard from the applicant and a couple of citizens regarding this issue.

After considerable discussion and as per the Planning Department recommendation, Commissioner Cross moved, seconded by Commissioner Barnes, to adopt **An Ordinance Amending the Zoning Ordinance of Chatham County**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Issues from September 19, 2005 Public Hearings:

Revision to Existing Conditional Use Permit: Consideration of a request by Danny Franklin Thomas for a revision to his existing Conditional Use Permit to condition #1 (a), to allow a one-year extension of time and revision to condition #17 to allow a five (5) year completion date and a revision to the existing signage allowed on the property

Commissioner Emerson moved, seconded by Commissioner Outz, to adopt **Resolution #2005-55 Approving an Application for a Conditional Use Permit Amendment for a Request by Danny Thomas**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Modification to Zoning District with Conditional Use Permit: Consideration of 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

Commissioner Barnes stated that at the public hearing held on "The Homestead", he made a comment regarding how he felt on the issue; that the following day, Attorney Cindy Perry threatened the County with a

lawsuit if he was allowed to vote; that she requested that he not be allowed to be in the room when the vote took place; that he was asked by the Chairman and County Manager in Closed Session to not vote on "The Homestead"; that he is not leaving the room; that the reason for his being asked to leave the room was so that he would not influence the vote; and that he thinks this shows the outlandish power that the developers have in the County, but that he will refrain from voting on the issue.

Commissioner Emerson moved, seconded by Commissioner Outz, to excuse Commissioner Barnes from voting on "The Homestead". The motion carried three (3) to one (1) with Commissioner Cross dissenting.

Commissioner Outz moved, seconded by Commissioner Emerson, to adopt **An Ordinance Amending the Zoning Ordinance of Chatham County**, attached hereto and by reference made a part hereof. The motion carried four (4) to zero (0).

Commissioner Emerson moved, seconded by Commissioner Outz, to make the five required findings and adopt **Resolution #2005-56 approving an Application for a Conditional Use Permit for a Request by Gaines Brothers, LLC for The Homestead**, attached hereto and by reference made a part hereof. The motion carried four (4) to zero (0).

Cindy Perry, Attorney, stated that she appreciated the support of the Board; that she would like it to be known that she did not communicate any threat to sue the County; that she did deeply regret Mr. Barnes' statement at the public hearing and did question whether it communicated an appropriate vehicle for voting on the Board since he had expressed an opinion beforehand; that she would like for the record to state that she never threatened to sue the County nor that Mr. Barnes be asked to leave the room.

Conditional Use Business District with Conditional Use Permit: Consideration of 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, Mann's Chapel Road, Baldwin Township

As per the Planning Department and Planning Board recommendation, Commissioner Emerson moved, seconded by Commissioner Cross, to adopt **An Ordinance Amending the Zoning Ordinance of Chatham County** and make the five required findings and adopt **Resolution #2005-57 Approving An Application for a Conditional Use Permit for a Request by Baycorp Development Inc.** The motion carried five (5) to zero (0). The ordinance and resolution are attached hereto and by reference made a part hereof.

Proposed Revisions to Watershed and Buffer Areas: Consideration of a request by the Chatham County Watershed Review Board for revisions to Sections 102, 301(F), and 304 (A) of the Chatham County Watershed Protection Ordinance

This item was deferred until a later date.

BOARDS AND COMMITTEES

- **Appearance Commission:** Consideration of a request to appoint a member to the Appearance Commission by Commissioner Outz (1)

Commissioner Outz moved, seconded by Commissioner Emerson, to appoint Mr. Phil Dark, 9985 US Highway #64 West, Siler City, NC, to the Appearance Commission. The motion carried five (5) to zero (0).

Human Relations Board: Consideration of a request to appoint a member to the Human Relations Board by Chairman Morgan (1)

Action on this item was taken in the afternoon Work Session.

Affordable Housing Committee: Consideration of a request to appoint a member to the Affordable Housing Committee as per the Planning Board recommendation

Action on this item was deferred until a later date.

Recreation Advisory Board: Consideration of a request to appoint two members to the Recreation Advisory Board by Commissioner Emerson (1) and Commissioner Barnes (1)

Action on this item was taken in the afternoon Work Session.

MANAGER' S REPORTS

The County Manager had no reports.

COMMISSIONERS' REPORTS

Western Water Line:

Chairman Morgan asked about the western water line improvements by Hobbs, Upchurch, & Associates.

The County Manager stated that it would be ready at the next Board of Commissioners' meeting.

Capital Improvements:

Chairman Morgan stated that he would like to have an update, by the November 21, 2005 Board of Commissioners' meeting, on all County capital improvements, timing, and funding.

Water Status:

Commissioner Outz asked the status of water and if the trenching had been started. The County Manager stated that it was targeted to begin the first of November.

Small Business Loans:

Commissioner Barnes stated that the Economic Development Commission has approved a committee for small loans to start small businesses. He stated that it is composed of three members on the Economic Development Board and three public members; that they will begin taking applications for small businesses up to \$5,000.00; and that he encourages anyone interested to bring it before that board.

Sedimentation and Erosion Control Officer Position:

Mr. Bob Eby asked about the progress of the Sedimentation and Erosion Control position in the County.

He was informed that the position was filled and would be working on November 14, 2005.

ADJOURNMENT

Chairman Morgan moved, seconded by Commissioner Emerson, to adjourn the regular meeting. The motion carried five (5) to zero (0), and the meeting was adjourned at 6:59 PM.

Bunkey Morgan, Chairman

ATTEST:

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