



# Chatham County, NC

## Meeting Minutes Board of Commissioners

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Monday, April 20, 2015

6:00 PM

Historic Courthouse Courtroom

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### Work Session - 3:00 PM - Historic Courthouse Courtroom

**Present:** 5 - Chairman Jim Crawford, Vice Chair Mike Cross, Commissioner Diana Hales, Commissioner Karen Howard and Commissioner Walter Petty

#### PUBLIC INPUT SESSION

*Barber Holmes stated he is a native of Chatham County and the Vice President of the Central Carolina Community College Foundation. He thanked the Board for its service and work to the County. He stated there is a need for new college health science facility in Chatham County. As a foundation board member, he has seen firsthand how the community college system benefits the community it serves. It provides education and training to its citizens and most of the time these citizens find a job immediately upon the completion of their coursework. A new health science facility is key to train folks here in Chatham County for high demand jobs such as phlebotomy, pharmaceutical technology, physical therapy, medical assistance and the ability for a student to go through a two year associate program in nursing. He urged the Board to please commit to the need the County has for a health science facility. The cost to the County without a doubt needs to be measured and debated, however, with the growth of Chatham, with the existing and newly planned healthcare facilities on the horizon, the continued increase in demand for healthcare professionals, the question that needs to be asked is can we not afford to do this? He asked that they please put the healthcare science facility on the budget and in a timely fashion so that students can be trained in these high demand positions and continue to make Chatham a wonderful place to work and live.*

*George Lucier stated he is the President of the Central Carolina Community College Foundation and also a former health science professional having worked at the National Institutes of Health for over thirty years. He asked the commissioners to build the health science building sooner rather than later. The facility is essential to provide training and medical service areas in related medical research programs. There is a need now. He stated Chatham County is the second fastest growing county in the state. This growth is only going to accelerate with Chatham Park. Chatham Park itself has recognized the importance of the medical services in Chatham County. Two of the first things they are going to do is build a Hospice Center and expand the Pittsboro family of medicine through the UNC system. There is also Galloway Ridge and Ferrington which have a high demand for medical services. There is a UNC Hospital system located in Siler City and would also like to locate in northeast Chatham as well. There is a need for a quality facility to train local citizens to get these jobs. The health science center will be a big draw for medical oriented businesses. They both want and need highly trained workforce to get the jobs. It will both expand good job opportunities and provide medical services for Chatham County citizens. It is a win win situation. He is confident there will be jobs for the people who are trained in this facility. Harnett County built a health science center in Lillington and it has been very successful. Lillington is over forty miles away from here and there is a need for a health science center in Pittsboro. As a former*

commissioner he understands the difficulties they have in balancing competing budget, needs but he urges them to make the construction of the health science center of the community college a top priority in the capital improvement plan.

Linda Harris stated she is a native of Chatham County. She agrees with both gentlemen who spoke before her. The community college system is important to Chatham County and the entire state. She strongly supports the health science building.

James Holt stated he has been a primary care physician in Chatham for thirty-five years. Has watched with pride and interest the development of Central Carolina Hospital. He believes more medical facilities will be built in the County and there is need to train workers for these facilities and a health science facility would be a great service to the county. It will train people to stay here as well as work here in the county. He asked the Board to support the health sciences building.

## **BOARD PRIORITIES**

### **15-1208**

2015 First Quarter Employee of the Quarter: Kelsey Pepper, Animal Services

**Attachments:** [Kelsey Pepper](#)

Courtney Goldston reviewed the nomination of Kelsey Pepper of Animal Services for Employee of the Quarter. Ms. Goldston stated in addition to her regular duties with Animal Services, Ms. Pepper often volunteers after hours and on weekends at the Animal Shelter.

The Chairman presented Ms. Pepper with the award and they posed for pictures.

### **15-1202**

Presentation and discussion on the proposed CCCC Health Sciences Building.

**Attachments:** [cccc letter](#)  
[PowerPoint Chat-Health-Sciences](#)

Dr. Bud Marchant presented a PowerPoint Presentation on the Chatham Health Sciences Building.

Dr. Marchant stated he was there to ask the Board to move the health sciences building up in the CIP to the 2016-2017 Fiscal Year. He stated CCCC currently does not have any space in the County that is built to train healthcare workers. In order to bring in RN training to Chatham County, the college has to apply for an approved facility. There is an approved facility in Sanford with forty slots but there is no facility in Chatham. The applications always exceed the forty slots in Sanford. If you are a student in Chatham and you want to go into nursing you have to go to Sanford or you have to go to Durham.

Dr. Marchant stated they are proposing a space in Briar Chapel. They are proposing much like in Harnett County, locating a health science facility in a commercial center in order to facilitate the growth of that commercial center, but more importantly allow those students close access to potential clinical sites. In Harnett County they located the health science building in a commercial center because on any given day there

are 300 400 students there to use the commercial businesses.

*Dr. Marchant stated they hope the Board will move it from an indeterminate place on the CIP and move it up on the CIP to the 2016-2017 Fiscal Year.*

*John Fugo with Montgomery Carolina, Real Estate and Contracting firm stated they build, develop, and budget entire projects. He spent 8 years developing Southern Village and now he is working with Newland to develop the Briar Chapel commercial center. They are looking at building a senior living center that would work well with the health sciences building. Several retailers are on the fence and they are asking if the college building is definitely coming. This would move the development of Briar Chapel along quicker. It would keep some of the money going to Orange County to Southern Village in Chatham County.*

*Lori Ford, VP of Operations for Briar Chapel and Raleigh region for Newland, stated that one of the primary pillars for Newland is education. They are building great places for people to live and education is important in people's decision to live somewhere. They are the number one green community in the triangle region. They account for about 40% of new residential construction in Chatham County. Educationally, they have donated two sites, the Margaret Pollard and Woods Charter schools. They have donated upwards of five million dollars and by the build out there will be a total commitment of thirteen million. They do support CCCC, they believe in their mission and they are involved in a volunteer standpoint with their staff and residents. They believe the marriage between CCCC and Briar Chapel makes sense. Is this the right time and the right place? They propose that it is. There is a need and demand of healthcare and this location is right in the center of a whole host of healthcare providers. The combination of the college, the retail and the senior living center is a unique combination and the synergy would be great. She is tired of losing retail business to the county north of Chatham. Now is the time to keep the retail sales home where it is needed.*

*Chris Erenfeld, Chair of the Chatham County Economic Development Corporation, stated he also serves on the Central Carolina Community College Foundation Board. As a resident and business owner he feels it is a win all around. He gave an economic development perspective of the project. Chatham has a high population over the age of 65 because the county is known as a desirable place to retire. Having a population of that age demands more healthcare. The two largest employers in Chatham County are continuing care communities. Six of the top sixteen employers are healthcare related. He stated when site selectors are considering where they want to locate to, their number one criteria is availability of skilled labor. As healthcare providers look to locate in this area they are going to want to see the County has trained healthcare professionals and this facility will do that. This location makes sense for a number of reasons. The Chatham extension of the college only has two locations, one in Siler City and one in Pittsboro. There is a large portion missing in a heavily populated portion of the county. There also definitely is a major retail leakage problem. He stated there is a real demand for this facility today. He hopes the Board will consider moving the project up in the CIP.*

*Chairman Crawford stated there are forty slots for students in the RN program in Sanford and it always fills. He asked what the size would be of the RN program at the new facility in Chatham County. Dr. Marchant stated no one can graduate and become an RN without going through an approved course. The school would be required to start out with a class of twenty students. As quickly as they could justify, they could up that number.*

*Commissioner Howard asked if other courses would simultaneously be offered. Dr.*

*Marchant, stated there would. Courses such as CNA, phlebotomy, medical assistant and perhaps things they have not yet thought of.*

*Commissioner Hales asked how many students they are anticipating. Dr. Marchant stated if it is modeled after Harnett County, on any given day, there would be between 350 and 400 students between 7:30 AM and 10:00 PM.*

*Commissioner Petty stated the Board looked at this some time back but it looks like it is a more urgent issue. He had a question about the convention space and how important do they feel that it needs to be on site. Dr. Marchant stated he would like to see large scale continuing education there, especially if they are fortunate enough to have a hotel close by. Every medical profession has mandated continuing education and this would be a perfect place to do that, but it is not essential. Commissioner Petty agreed it needs to be there but asked if it could be looked at doing later.*

*Mr. Fugo stated it could be done in phase 2. Commissioner Petty stated he would like to know the cost differences. He asked how fast they saw on the commercial side that the tenants would move if the commissioners committed to the project. Mr. Fugo stated if they gave the potential retail tenants a commitment and a sign saying "coming in 2017" they could get leases pretty soon.*

*Commissioner Petty stated the Harnett County facility has been very successful. He asked how much of an impact has its proximity to Campbell University been. He asked how many students come from inside the county and how many come from outside the county. He asked if there would be enough students from Chatham County to meet the needs. Dr. Marchant stated he believes it will be primarily Chatham County students. He stated they have a great relationship with Campbell University. A medical student has to sign up for a CNA class and they do that at the Harnett County site. They would like to develop the same kind of relationship with UNC.*

*Vice Chair Cross asked what they will do with the space they have now in Pittsboro. Dr. Marchant stated they have plenty of ideas. They also have some program ideas in Siler City for when the County lands someone at the Megasite.*

*Vice Chair Cross stated this is a little different than anything that the Board has dealt with before. When this is done, who will own the land and who will own the building? Dr. Marchant stated if the County structures it the way Harnett did, they found the developer then leased it back for 20 years and then after 20 years the County of Harnett owns the property and the building for one dollar.*

*Renee Paschal, Assistant County Manager, stated many things would need to be known first. The County would need to know a cost, the alternatives of the cost of a developer building it versus the County building it, the terms the developer had with the lease, then the next step would be for staff to plug it in to the debt model and see what resources are required to make it happen.*

*Vice Chair Cross asked if the County were to build it would the land be sold or donated to the County.*

*Mr. Fugo stated the way it is proposed, they did offer an option that had the twenty year lease, the lease rate was \$18.50 per square foot and at the end of 20 years the County bought it for one dollar with the land. The cost of the project with the civic center attachment is nine million dollars and without the civic center it is six and a half million dollars.*

Vice Chair Cross asked if the county builds it, how does the county get the land in its name.

Mr. Fugo stated if the County builds it, from his point of view as the developer; it would buy the land and put the project out to public bid.

Commissioner Howard asked how much the land would be if the County built it.

Mr. Fugo stated the land the college building sits on, a little over two acres, is approximately half a million dollars.

Chairman Crawford asked if any thought had been given to the naming opportunities for funding. Dr. Marchant stated they have a very successful foundation but they have found it is easier to raise money for equipment and scholarships. They would of course be willing to talk to potential donors.

Commissioner Petty stated he believes the time is right to review this project.

Commissioner Howard asked if they are thinking of opening in 2017. Dr. Marchant stated they are thinking of opening around the third quarter of 2017.

Commissioner Hales stated Briar Chapel has contributed land for two schools and asked if that could be a consideration for this.

Ms. Ford stated one challenge that they have for this particular site is all of the cost and requirements that have been tagged to it. It is one of the most expensive sites to develop. They believe with the previous commitments of offering the two schools and the contributions of 13 million dollars, they are hopeful they can get the community college site to work from a financial standpoint and this is a big component of it.

Commissioner Howard asked if the site work on that land would be in addition to the numbers quoted. Mr. Fugo stated the site would be level and graded and sold that way. It would not be sold as is.

#### 15-1215

Vote on a request to approve the Request for Approval of Road Name Change on Unrecorded Final Plat, Phase 9; Request for Approval on April 20, 2015 Commissioners Meeting Agenda

**Attachments:** [Letter Commissioners Road Name Change Revised-signed](#)

Jason Sullivan reviewed the specifics of the request. Nick Robinson, attorney, spoke on behalf of NNP, Briar Chapel, LLC. He demonstrated on the map where the road name change would occur.

**A motion was made by Commissioner Petty, seconded by Commissioner Howard, that this Agenda Item be approved. The motion carried by the following vote:**

**Aye:** 5 - Chairman Crawford, Vice Chair Cross, Commissioner Hales, Commissioner Howard and Commissioner Petty

#### 15-1201

Follow Up Discussion on Chatham Park

Commissioner Hales stated at the April 20, 2015 Board of Commissioners' meeting a number of citizens raised some questions about Chatham Park and there were mainly four areas addressed.

- The first item was a request that the County write a letter to the US Army Corp of Engineers requesting an Environmental Impact Statement for the entirety of the Chatham Park development streams and wetlands. Commissioner Hales called the Army Corp of Engineers and asked if it was feasible. They stated they have been waiting on small area plans. They can only look when a plan has been submitted. At this point in time the whole development is not being permitted through the Army Corp of Engineers.
- The second item was the possibility of establishing a joint land use plan with the Town of Pittsboro and the County. This would be in conjunction with the County's Comprehensive Land Use Plan or a specific agreement like the County had with the Town of Cary.
- The third item was water allocations for Chatham Park. She believes the County and the municipalities need to have a thorough look at interconnections and how water would be addressed in Chatham County.
- The fourth item was to rescind the ETJ. The initial three mile ETJ was extended in 1989 by local bill in the state legislature and the second 1573 acre ETJ was extended in 2012 by the unanimous consent of the Chatham County Board of Commissioners.

Commissioner Howard clarified that nothing can be done with the Environmental Impact Study. Commissioner Hales stated she was correct because there is no permit before the Army Corp of Engineers.

Commissioner Hales asked if the Joint Land Use Plan could be a possibility. Commissioner Howard asked if that is something the County would make a decision on or should the County be talking with the Town of Pittsboro about their willingness to participate. Chairman Crawford stated the County could initiate talks with the Town in conjunction with the planning staff, perhaps set up sub committees. He stated with regards to water allocations, the state mandates coordination of water resources. He believes the topic of water allocation almost falls under the item of the Land Use Plan and working with the Town.

Commissioner Petty stated the County has staff that has been working on water allocation for quite some time. It might be good to have a presentation to learn what Dan LaMontagne and his staff have been doing. They could update the Board on the regional partnership and the interconnections between the municipalities and local partners. He believes some of this could be duplicate work if the Board doesn't get input from the staff who is already working on it.

Commissioner Hales agreed it starts with staff, but stated it is more than Chatham County staff. She stated there is a bill in the state legislature looking at interconnections being required.

Commissioner Petty stated that is his point, staff has been working on it for some time.

Commissioner Hales stated her understanding is it is not as interconnected as once thought.

County Manager stated one of the Board's goals was to work closer with the municipalities. He is not sure if the Board's discussion on rescinding the ETJ is complimentary to that goal if the Town of Pittsboro has not been invited to say whether they are interested in rescinding it or not. Also, if the Board wants to rescind the ETJ, what is the value of a joint land use plan if the Board didn't do it arbitrarily if it doesn't have an ETJ. He stated with regard to the water allocation piece, they have

*talked on the staff level among the managers and it is important at this point for the jurisdictions to decide if they have an interest in giving up their infrastructure to a different type entity. If they are, the County needs to find out what the costs are within those jurisdictions. That will take consultant work and that will cost some money. He suggested having joint meetings among the Boards to flesh that out.*

*Commissioner Petty asked the County Manager if there were buy-sell agreements, interconnect agreements already in existence.*

*County Manager stated there are interconnections, except for a couple of places and the County can move water throughout the region even to Greensboro. The County has connections with Durham, Cary, Sanford, Pittsboro and Siler City. He stated the interconnections with Pittsboro probably are not adequate for the development of the County because there has not been much infrastructure work done within the jurisdiction. If there was additional capacity of water there isn't the piping available to move it. It will take a lot of work to figure out how that is going to flesh out.*

*Commissioner Hales stated she is thinking more on regional planning for Chatham and all the municipalities, not just that the County can serve water or they can serve water back. She is concerned with Chatham Park on the horizon and the ability to move the supply of water and is the County supplying waste water as well. Maybe there is an opportunity to start looking regionally with some kind of water authority that involves the towns and the County.*

*Chairman Crawford asked what the argument is for rescinding the ETJ.*

*Vice Chair Cross suggested postponing the conversation until the Board has talked to the town.*

*Commissioner Howard stated the Board has to agree to have the conversation.*

*Vice Chair Cross stated if the Town wants the Boards help, he wants them to ask for its help.*

*Chairman Crawford stated he believed the likely place to talk to the Town about Chatham Park and the role of the County is about the schools.*

*Commissioner Howard stated in a way that excludes the Town of Pittsboro because they have no responsibility in the building of schools.*

*Chairman Crawford stated he looked at the Town as a joint planner. They would be involved in traffic flow, etc.*

*Commissioner Hales asked again about the Joint Land Use Plan. She believes the Joint Land Use Plan with Cary was due to Cary's incursion into Chatham County. She believes Pittsboro is looking at their UDO.*

*Vice Chair Cross stated it is hard to compare this to the Cary plan. Cary did the plan as a means to get into Chatham County. They were a willing partner. The County doesn't know if Pittsboro is a willing partner. If they are and the County wants to do a land use plan with zoning and the other things the commissioners have on the table, who is going to do the work? It took the whole planning department when the County did the plan with Cary. He stated the Board can meet with the Town Board if that is what the commissioners wish but it is the Town's legislative authority and it is their business. He does not believe in stepping in unless he is asked.*

*Commissioner Howard stated she believes this is an offer of help and an opportunity to say the County has resources and it can help the town do some things it might otherwise not be able to do.*

*Vice Chair Cross stated while some people may not agree, he believes to this point, the Pittsboro Town Board seems to have a plan they have approved. I don't know if they want us to come in there and do a joint plan or not. He thinks Chatham Park will have a lawsuit on the table if the County steps in and starts telling Pittsboro what to do.*

*Commissioner Petty it was requested that we allow the ETJ to be extended, we did that, they took authority over it, they have legislative process to handle it, we have told them we are willing and able to help anywhere they need the County, perfect example is soil and erosion control. If they need our help and they want something they are going to come ask us.*

*Chairman Petty made a motion, seconded by Vice Chair Cross, that rescinding the ETJ not be considered.*

*Discussion followed*

*Commissioner Howard wanted to discuss the challenges of rescinding the ETJ. She asked the County Attorney to speak to the challenges.*

*Jep Rose, County Attorney, stated there is a two year window when the ETJ is withdrawn before it becomes effective. Any approvals that happen during that window would not be affected by the withdrawal.*

*Commissioner Howard stated this might be a moot point with regard to Chatham Park.*

*Chairman Crawford stated it would take extraordinary circumstances and consent of the municipality of Pittsboro to take away their sovereignty. No one has accused them of gross breaches of public confidence. For the County to jump in without a really iron clad case as to why, is not the right thing. He is willing to provide any assistance on any of the other points such as planning, schools and water allocations.*

*Commissioner Petty stated he would like for the message from the Board and this meeting to the Town to be that the County is not trying to take anything from the Town but that the County is here to try to help the Town accomplish anything it needs because this is something that will not only affect the Town, but also the County.*

*Commissioner Howard stated to Mayor Terry of Pittsboro that all the members of the Board are equally committed to working with the Town and having a dialogue that gets to a result that is good for the Town and the County.*

*Commissioner Hales stated she would like to request there be a joint meeting of the two boards.*

*County Manager suggested the managers getting together to find out the interest and possible dates to meet with both boards. He also suggested a joint meeting after the budgets are complete, sometime in June.*

*Commissioner Hales asked if an additional task include getting the public works directors and the managers together.*



*County Manager suggested bringing up the topic at the Pittsboro joint meeting and then having separate meetings as a follow up item.*

**A motion was made by Commissioner Petty, seconded by Vice Chair Cross, that rescinding the ETJ not be considered. The motion carried by the following vote:**

**Aye:** 3 - Chairman Crawford, Vice Chair Cross and Commissioner Petty

**No:** 2 - Commissioner Hales and Commissioner Howard

## **ADJOURNMENT**

**A motion was made by Commissioner Petty, seconded by Commissioner Howard, that the meeting be adjourned. The motion carried by the following vote:**

**Aye:** 5 - Chairman Crawford, Vice Chair Cross, Commissioner Hales, Commissioner Howard and Commissioner Petty

## **End of Work Session**

### **Regular Session - 6:00 PM - Historic Courthouse Courtroom**

**Present:** 5 - Chairman Jim Crawford, Vice Chair Mike Cross, Commissioner Diana Hales, Commissioner Karen Howard and Commissioner Walter Petty

## **INVOCATION and PLEDGE OF ALLEGIANCE**

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

## **CALL TO ORDER**

*Chairman Crawford welcomed those in attendance and called the meeting to order at 6:00 PM.*

## **APPROVAL OF AGENDA and CONSENT AGENDA**

**A motion was made by Commissioner Petty, seconded by Commissioner Hales, that the Agenda and Consent Agenda be approved. The motion carried by the following vote:**

**Aye:** 5 - Chairman Crawford, Vice Chair Cross, Commissioner Hales, Commissioner Howard and Commissioner Petty

### **[15-1213](#)**

Vote on a request to approve the March 2, 2015 Regular Session Minutes, the March 16, 2015 Work Session Minutes and the March 16, 2015 Regular Session Minutes.

**Attachments:**    [03.02.2015 Regular Session Minutes](#)  
[03.16.2015 Work and Regular Session Minutes](#)

**A motion was made by Commissioner Petty, seconded by Commissioner Hales, that the Minutes be approved. The motion carried by the following vote:**

**Aye:** 5 - Chairman Crawford, Vice Chair Cross, Commissioner Hales,  
Commissioner Howard and Commissioner Petty

[15-1188](#)

Vote on a request to approve the naming of a private road in Chatham County

**Attachments:**    [SENTINEL ROCK LANE PETITION](#)  
[SENTINEL ROCK LANE](#)

**A motion was made by Commissioner Petty, seconded by Commissioner Hales, that this Agenda Item be approved. The motion carried by the following vote:**

**Aye:** 5 - Chairman Crawford, Vice Chair Cross, Commissioner Hales,  
Commissioner Howard and Commissioner Petty

[15-1192](#)

Vote on a request to approve \$10,000 Preparedness & Response Funds

**Attachments:**    [\\$10,000 Preparedness & Response Funds.pdf](#)

**A motion was made by Commissioner Petty, seconded by Commissioner Hales, that this Agenda Item be approved. The motion carried by the following vote:**

**Aye:** 5 - Chairman Crawford, Vice Chair Cross, Commissioner Hales,  
Commissioner Howard and Commissioner Petty

[15-1194](#)

Vote on a request to approve \$3,807.44 Spay/Neuter Funds

**Attachments:**    [\\$3,807.44 Spay Neuter Funds.pdf](#)

**A motion was made by Commissioner Petty, seconded by Commissioner Hales, that this Agenda Item be approved. The motion carried by the following vote:**

**Aye:** 5 - Chairman Crawford, Vice Chair Cross, Commissioner Hales,  
Commissioner Howard and Commissioner Petty

[15-1195](#)

Vote on a request to approve \$1,500 Diabetes Program Funds

**Attachments:**    [\\$1,500 Diabetes Program Funds.pdf](#)

**A motion was made by Commissioner Petty, seconded by Commissioner Hales, that this Agenda Item be approved. The motion carried by the following vote:**

**Aye:** 5 - Chairman Crawford, Vice Chair Cross, Commissioner Hales,  
Commissioner Howard and Commissioner Petty

[15-1196](#)

Vote on a request to approve \$2,200 Focus on Fathers Funds

**Attachments:**     [\\$2,200 Smart Start Funds.pdf](#)

**A motion was made by Commissioner Petty, seconded by Commissioner Hales, that this Agenda Item be approved. The motion carried by the following vote:**

**Aye:** 5 - Chairman Crawford, Vice Chair Cross, Commissioner Hales, Commissioner Howard and Commissioner Petty

[15-1197](#)

Vote on a request to adopt a resolution proclaiming April 2015 as Child Abuse Prevention Month.

**Attachments:**     [Resolution Proclaiming April 2015 as Child Abuse Prevention Month.pdf](#)

**A motion was made by Commissioner Petty, seconded by Commissioner Hales, that Resolution #2015-14 Proclaiming April 2015 as Child Abuse Prevention Month, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:**

**Aye:** 5 - Chairman Crawford, Vice Chair Cross, Commissioner Hales, Commissioner Howard and Commissioner Petty

[15-1198](#)

Vote on an annual request to approve the Alcoholic Beverage Control Board's (ABC) travel policy as required by House Bill 1717.

**Attachments:**     [Travel Policy\\_0](#)

**A motion was made by Commissioner Petty, seconded by Commissioner Hales, that this Agenda Item be approved. The motion carried by the following vote:**

**Aye:** 5 - Chairman Crawford, Vice Chair Cross, Commissioner Hales, Commissioner Howard and Commissioner Petty

[15-1199](#)

Vote on a Resolution Proclaiming May 2015 as Older Americans Month

**Attachments:**     [Resolution proclaiming Older Americans Month](#)

**A motion was made by Commissioner Petty, seconded by Commissioner Hales, that Resolution #2015-15 Proclaiming May 2015 as Older Americans Month, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:**

**Aye:** 5 - Chairman Crawford, Vice Chair Cross, Commissioner Hales, Commissioner Howard and Commissioner Petty

[15-1200](#)

Vote on a request to approve the Renewal Agreement with Logan Systems, Inc.

**Attachments:**     [CES Chatham Contract 3-6-2015-Logan](#)

**A motion was made by Commissioner Petty, seconded by Commissioner Hales, that this Contract, attached hereto and by reference made a part hereof, be approved. The motion carried by the following vote:**

**Aye:** 5 - Chairman Crawford, Vice Chair Cross, Commissioner Hales, Commissioner Howard and Commissioner Petty

[15-1210](#)

Vote on a request to approve a Department of Social Services Contract Amendment

**Attachments:** [Contract -FY15-1908 Chatham Transit Network-Amendment](#)

**A motion was made by Commissioner Petty, seconded by Commissioner Hales, that this Contract, attached hereto and by reference made a part hereof, be approved. The motion carried by the following vote:**

**Aye:** 5 - Chairman Crawford, Vice Chair Cross, Commissioner Hales, Commissioner Howard and Commissioner Petty

[15-1211](#)

Pyrotechnics Display at 11000 Club Drive, Chatham County, NC on April 25, 2015.

**Attachments:** [Attachment A- G.S 14-410, 14-413.pdf](#)

[Attachment B- Pyrotechnic Display Request.pdf](#)

[Attachment C-Pyrotechnic Display Operators License.pdf](#)

[Attachment D-Certificate of Insurance.pdf](#)

[Attachment E-ATF License.pdf](#)

[Attachment F-Display Area Drawing with Measurements.pdf](#)

**A motion was made by Commissioner Petty, seconded by Commissioner Hales, that this Agenda Item be approved. The motion carried by the following vote:**

**Aye:** 5 - Chairman Crawford, Vice Chair Cross, Commissioner Hales, Commissioner Howard and Commissioner Petty

[15-1212](#)

Vote on a request to approve the Tax Releases and Refunds

**Attachments:** [March 2015](#)

[March 2015](#)

**A motion was made by Commissioner Petty, seconded by Commissioner Hales, that the Tax Releases and Refunds, attached hereto and by reference made a part hereof, be approved. The motion carried by the following vote:**

**Aye:** 5 - Chairman Crawford, Vice Chair Cross, Commissioner Hales, Commissioner Howard and Commissioner Petty

[15-1216](#)

Vote on a request to approve F-L Legacy Owner, LLC for subdivision preliminary plat approval of The Legacy Phase 4A1, consisting of 32 lots on 11.66 acres, located off S. R. #1716, Big Woods Road, Williams Township, parcel #17378.

**Attachments:** [Hyperlink](#)

**A motion was made by Commissioner Petty, seconded by Commissioner Hales, that this Agenda Item be approved. The motion carried by the following vote:**

**Aye:** 5 - Chairman Crawford, Vice Chair Cross, Commissioner Hales, Commissioner Howard and Commissioner Petty

[15-1217](#)

Consideration of bid offer by Morrow on a foreclosed property; parcel #60950 located at 2625 St. Luke Church Road, Goldston, NC

**Attachments:** [OFFER MORROW-04092015100328](#)

**A motion was made by Commissioner Petty, seconded by Commissioner Hales, that this Agenda Item be approved. The motion carried by the following vote:**

**Aye:** 5 - Chairman Crawford, Vice Chair Cross, Commissioner Hales, Commissioner Howard and Commissioner Petty

[15-1218](#)

Vote on a request to approve F-L Legacy Owner, LLC for subdivision preliminary plat approval of The Legacy, Phase 5A, consisting of 57 lots on 21.86 acres, located off S. R. 1716, Big Woods Road, Williams Township, parcel #17378.

**Attachments:** [More Info](#)

**A motion was made by Commissioner Petty, seconded by Commissioner Hales, that this Agenda Item be approved. The motion carried by the following vote:**

**Aye:** 5 - Chairman Crawford, Vice Chair Cross, Commissioner Hales, Commissioner Howard and Commissioner Petty

[15-1220](#)

Vote on Appointment to Recreation Advisory Committee

**A motion was made by Commissioner Petty, seconded by Commissioner Hales, that this Appointment be approved. The motion carried by the following vote:**

**Aye:** 5 - Chairman Crawford, Vice Chair Cross, Commissioner Hales, Commissioner Howard and Commissioner Petty

[15-1222](#)

Vote on appointment to the Board of Equalization and Review

**A motion was made by Commissioner Petty, seconded by Commissioner Hales, that this Appointment be approved. The motion carried by the following vote:**

**Aye:** 5 - Chairman Crawford, Vice Chair Cross, Commissioner Hales, Commissioner Howard and Commissioner Petty

### **End of Consent Agenda**

### **PUBLIC INPUT SESSION**

*Chip Price, 301 South Dogwood Siler City, gave the following comments:*

*I have lived in Chatham County for fifty-nine years and operate a beef cattle farm on land in the southwest section of the county that has been in my family for over one*

*hundred years. My grandfather was Mr. Wade Paschal, who served in the North Carolina Legislature and my great-great grandfather was R.B. Paschal who was one of the first Sheriffs of Chatham County. I, myself, currently serve on the Siler City Town Board. As you can tell my roots in Chatham County run very deep. Today, I am speaking to you not as an individual but as the President of the Chatham County Livestock Association. Our Association consists of individuals that own and operate livestock operations in all sections of the county. The vast majority of these operations are currently located in unzoned areas of the county. Our membership has asked me to express their concerns about the proposed zoning of currently unzoned agricultural land. While our membership recognizes that there are legitimate land uses that may not be appropriate next to other existing facilities we do not feel that the zoning of all agricultural land is the adequate response. Why not address these concerns either through open zoning or through some type of ordinance? This would accomplish the goal without rural land owners surrendering their individual property rights. We also wish to express our displeasure with the lack of engagement that has been extended to the citizens that these proposals would most directly affect. Our membership does not understand why there is such a rush to get this done and why they have not been given the opportunity to express their concerns. We wish that you would consider having community meetings in the areas that would be most affected. These meetings would give the citizens an opportunity to express their concerns and county government would have a better understanding of what would better serve the needs of all of its citizens. With me tonight I actually have some petitions that were signed by residents of south and southwest parts of the county. (Passed out two separate petitions) One petition has over one hundred and twenty-five names from the south and southwest part of the county. I hope you will look at that and give that some thought. I thank you for the opportunity to come speak today. I hope you take this information and give it careful consideration and you will listen to the concerns of the people of the entire county.*

*Jeffrey Starkweather , 590 Old Goldston Road, Pittsboro, gave the following comments:*

*I am a forty-three year resident of the Pittsboro area and over thirty year resident of the of the ETJ you were talking about this afternoon. I decided to speak after listening to your conversation, which I felt was missing the boat in terms of the citizens that are affected. First of all, we never requested that you take away the ETJ of Pittsboro. This is a right that was given to the County by the General Assembly in 1989 and at a request they were given an extra two mile ETJ. You have a right under the law to take that back if you want to. There is a two year notice that you can do. Anything that is approved during that two years would have to meet a vested right. The developer would have to have a vested right. A vested right requires a specific site plan approval. It is very unlikely given the fact that we are still in court, there is no valid Chatham Park master plan at this point, that anything would get a site plan in the next two years. The issue that it is moot is not true. We saw it as a leverage to get the Town of Pittsboro to sit down and come up with a joint jurisdiction. Let me clarify history about Cary. That was not a nice sit down. I went to a meeting before any of you were on the Board in Cary back when Bunkey Morgan and Margaret Pollard were there and it was practically a war. Patrick Barnes, may he rest in peace, would have completely disagreed with you. He was constantly with war with Cary. The reason we eventually got to the point where we worked together was because we both had leverage. They could annex into our territory and we could prevent them from planning in our territory. I would disagree also very strongly with the idea that somehow we are taking something away from them. I happen to be in this jurisdiction. I happen to be a County resident. I happen to be only able to vote for the County. By not taking and representing us you are taking away my property*

rights, you are taking away my citizenship. You are not taking away the Town of Pittsboro. The Town of Pittsboro doesn't own that land. You were giving them the authority to do that. Finally, one of your directions is environmental protection. All of you must know that twenty-seven small area environmental impact assessments is not going to deal with cumulative impacts. Would you allow a development in Chatham County of 55,000 people no environmental impact assessments? I would say no. One final point I want to address is the issue this would somehow be an insult. Was it an insult when the Republican Party in the state legislature took away the ETJ of Boone and Asheville to protect the property rights of people like me? Is it an insult right now in the state legislature that they have a bill to eliminate all ETJ's on what grounds? Property rights. I feel as a citizen that you have an obligation to protect our property rights and to just take it off the table as a leverage I think is denying us our citizenship and our property rights. Thank you

Martha Girolami, 473 Mt. Pisgah Church Road, gave the following comments:

Starting around September 6, 2014 a group got together and wrote up a petition to ban fracking in Chatham County. We haven't worked very hard. We have had First Sundays to use, Community meetings, the Fair and a few other events. Basically, when we had a little bit of a chance and without working terribly hard we got so many signatures. These are 44 pages of 26 signatures each, that is 1150 signatures. People are so eager to sign this. We are asking you to really seriously look at, explore, and consider a ban of fracking. Someone fracking is polluting their neighbor. That is an absolute. You are affecting ground water, air quality, truck traffic, and many things that are health effects and that are property right effects. This has been crammed down our throats. The NEC rules are weak. There are a lot of things they don't cover. Perhaps they are illegal. Remember the Governor didn't get to appoint them. I have these petitions as a starter. We are going to continue. We hope that you will go ahead and consider a ban, if you use a moratorium to get there that is fine. A ban is what we want, no fracking in Chatham County. Thank you.

John Wagner gave the following comments:

I'm here to encourage you to pass a ban on fracking. I realize the legislature has tied your hands in some ways but it is not an either or situation. You can follow the legislature or have a ban. You lose if you go with the legislature and there are risks if you go with a ban. But a ban protects the county, it protects the people, it protects our health and those really have to be taken into consideration. I encourage you to pass a ban, a moratorium as a means toward a ban, I think is fine. I would be glad to talk with any of you individually or as a group about my experiences going to Pennsylvania and talking to citizens who have fracking in their backyards and across the street that have encountered the air problems, the nose bleeds, the asthma, formaldehyde odors. Problems there are very real and I hate to see them come to Chatham County. Last of all, I am bringing a document which I will leave with you. This is the best single document I have ever seen on the problems of fracking. It was put together, compendium of scientific, medical and media findings demonstrating the risks and harms of fracking. It was put together by the concerned health professionals of New York. I have been researching fracking for the last four years and really looking into the science. This summarizes the issues beautifully. I encourage you to read it. It is a large document but it is easy to read. Each journal article, each event, each disaster is one bullet in here with a very concise summary of what happened or what the journal article was stating. It is broken down into topics. If you have any questions about fracking, pick this up, go to the section that applies and look at the material there. If you still have questions there are citizens in this

county that would love to discuss these issues with you. I am going to run down the table of contents because I think it exposes all the issues that you need to think about if you do not pass a ban on fracking. Air pollution, water contamination, inherent engineering problems that worsen with time, radioactive releases, occupational health and safety hazards, public health effects directly measured, noise pollution, light pollution, stress, earthquakes and seismic activities, flood risks, threats to agriculture and soil quality, threats to the climate system and inaccurate job claims, increased crime rates, threats to property values and mortgages, local government burdens. It would be a burden to you all. I will leave this with you. I encourage you to pick it up and pick any one of those sections and just flip through and when you have time read it carefully.

Dan Hirschman gave the following comments:

I am a resident of the Governor's Village community in North Chatham County. Along with a group of my neighbors, I am a plaintiff in a lawsuit against Chatham County challenging the issuance of a special use permit to American Towers and AT&T for a cell tower on Old Farrington Road right across from our neighborhood. Last summer American Towers and AT&T applied for a permit for a 150 foot monopole cell tower. The commission held a quasi-judicial hearing at which many community members affected by the proposed tower voiced concerns and presented evidence. The application for the tower was referred to the planning board which returned a recommendation to the commission to approve the tower as proposed. Last September the commission met to vote on the application. At that meeting the commission on its own without request by AT&T, American Towers or anyone else, approved a 165 foot tower with tree like appendages, a project that is ten percent higher and potentially significantly wider and more visible than the originally proposed 150 foot monopole. The change was made without any opportunity for public input and without any evidence from AT&T or American Towers or anyone else about how the changes to the project would affect the community, particularly from an aesthetic and property value standpoint. There were no renderings, no balloon tests, nothing to show the potential impacts from the change in the height and the change in the type of tower being proposed. Thus, the community formed a plaintiffs group and filed suit against the county alleging that our due process rights had been violated. As I am sure you are already aware from your attorney, the plaintiffs have offered to withdraw their lawsuit in exchange for one simple thing, a hearing on the new project. We are simply asking this commission to allow the public to hear what the new project will involve, what it will look like, hear how the impacts will differ from the original proposal and then give the affected community a chance to be heard regarding the changes to the project. Therefore, I urge you to accept the plaintiffs offer of settlement and the needless cost of litigation and simply give the affected community a legitimate opportunity to be heard on the new project. Thank you for your consideration.

## **BOARD PRIORITIES**

[15-1221](#)

Approve and Present a Resolution Honoring Former Commissioner Patrick Barnes

**Attachments:** [patrick barnes resolution](#)

Vice Chair Cross asked Ms. Becky Barnes, wife of the late Patrick Barnes, to join him



at the podium where he read the resolution into the record. Vice Chair Cross presented the resolution to Ms. Barnes and posed for pictures.

**A motion was made by Commissioner Petty, seconded by Commissioner Howard, that Resolution #2015-16 Honoring Former Commissioner Patrick Barnes, attached hereto and by reference made a part hereof, be approved. The motion carried by the following vote:**

**Aye:** 5 - Chairman Crawford, Vice Chair Cross, Commissioner Hales, Commissioner Howard and Commissioner Petty

### 15-1206

#### Award presentation by the Grand Trees of Chatham

*Phil Cox, Grand Trees of Chatham Board Member, introduced the group and invited Chairman Crawford to help him present the awards to the following recipients:*

*Mr. Malcolm McCracken: Two Champion White Oaks*

*Mr. J.T. Griffin: Champion Persimmon*

*Harvey & Nancy Harman: National Champion Blackjack Oak*

*Bruce & Marge Petesch: Champion White Oak*

*Kim & Annette Ringeisen: Champion Willow Oak and Champion White Oak*

*RAFI (Scott Marlow, Ex. Director of RAFI, accepted the award): Champion White Oak*

*The Hubbard Family (Martha Forrest accepted on their behalf): Landmark Collection of Trees*

*Shannon Blackwood: Meritorious Red Maple*

*The Moose Family: Meritorious Beech*

### 15-1224

#### Discussion about mapping mineral rights to surface owners in Chatham County.

*Commissioner Hales stated it is still unknown how much rights surface owners will have if their mineral rights have been severed. The legislation is not clear. Right now the mineral rights owner has the total ability to trespass; it is not called trespassing when you own a mineral right. In Chatham County there are 6,480 acres that are severed mineral rights. There was a law passed in 1979 or 1980 by the Legislature that extinguished mineral rights. Chatham County had coal mines and iron works along the Deep River. After the rights were extinguished, the owners were supposed to come in and start paying taxes on them. The owners of these 6,480 acres have been paying property taxes on those mineral rights but it is unclear exactly where they are. That is an issue for the surface owners because depending on how land was subdivided they may not have gone back far enough in the title search, which is forty years, to find out if the family member severed the rights by deed. Lee County has a large number of severed mineral estates. They started a project looking at what they thought they knew about where rights were and they basically doubled the acreage. The project took about six months. Most timber companies sever their mineral rights. There is a company, Deep River Minerals, that owns around 3,000 acres and it is unknown the extent of the surface. There are Eliza Hall heirs that have about 2,500 acres below surface. This requires some research.*

*Commissioner Howard asked how you can have 3,000 acres of mineral rights but they are not automatically attached to the 3,000 acres on the ground.*

Commissioner Hales stated it should but the question is if deeds have moved forward, somebody has purchased property over time, they may or may not have gone back into the record to see if something was subdivided because those acreages are not necessarily intact. In the case of the Eliza Hall heirs there might have been numerous properties that have different ownership on the surface. The mineral right doesn't necessarily match, there are no deep river minerals holding surface rights.

Commissioner Hales stated the reason she brings this up is because with fracking, the surface owner and the mineral rights owner have two different authorities and rights. The surface owner may not have any rights. The mineral rights preempts in terms of the mineral rights which can come in and not only frack but could install equipment on that parcel in order to get at the resource. As a precaution and to serve the citizens of Chatham County, perhaps the County could provide some research on where the mineral right translates to what is above it. The owners would be affected should fracking occur. Lee County started their project five years ago because people were trying to sign up leases and the GIS department helped with the project. Lee County GIS saw that there was a discrepancy in the mineral rights and they began looking further. Commissioner Hales spoke with the Registrar of Deeds and the Tax Office and they had the suggestion that the County use a legal summer intern to do some research for the County. The Registrar of Deeds office cannot handle a project like this. Commissioner Hales is suggesting these 6,480 acres are a potential problem for surface owners in Chatham County that may not know that their grandfather or great grandfather severed those rights, or in the meantime it has been subdivided.

Chairman Crawford stated to summarize there is a set of sub surface mineral rights that have been registered but there is not corresponding surface deeds now as we understand them. The County could perhaps make a one to one comparison starting with the largest one, figure out where the claims are and then perhaps notify or allow people who purchased surface property or make a mechanism available so people can see that their rights have been severed.

Commissioner Hales stated he was correct and there is also a need to be able to overlay it on a map.

Commissioner Petty asked what the County would do with the information when it gets it.

Commissioner Hales stated beyond the mapping of it, make it known that it is available or notify surface owners.

Commissioner Petty asked if Commissioner Hales anticipated finding any mineral rights that taxes were not currently being paid on.

Commissioner Hales stated she did not anticipate that with this process. It is already known that there are the 6,480 acres claiming mineral rights. She is asking if there would be consensus to see if staff would pursue trying to get a summer intern to investigate this.

Commissioner Petty asked why the County is taking on the responsibility to research mineral rights for individuals. It is the landowner's obligation.

Commissioner Hales stated it is a way to help protect the citizens. If the citizen doesn't know, they can get a letter saying in thirty days there is going to be equipment moving in on their property. She feels the County can provide some

protection to the surface owners. Title searches are also expensive for the citizen to find out if their rights have been severed.

Commissioner Petty asked how much it will cost the County to search for over 6,000 acres.

Commissioner Hales stated that is where a summer intern comes in. This is not a small task. This is the time of year when summer interns are starting out which is why she is bringing it up now.

Commissioner Howard stated she agrees that it would be a public service.

Chairman Crawford asked how Lee County did it.

Commissioner Hales stated they used their GIS department and used help within their land records. Once they started working on it they had a lot of input from the public. In some cases people knew they had severed mineral rights and they came forward with the information. In other cases it was subdivisions. She believes GIS is knowledge the County should invest in.

Vice Chair Cross stated interns can be helpful, but he doesn't want to place the liability of the County and what it tells the public about mineral rights based on an intern.

Commissioner Hales said with GIS you put a disclaimer out.

Commissioner Howard stated she would assume there would be some level of county oversight. She also assumes this person would be doing the research component.

Commissioner Hales stated that is correct and then the research is translated into the GIS.

Commissioner Petty stated he is still trying to understand why the County needs to be doing it. When the County needed to hire someone to study tax leakage and where it was not getting revenue, their expenses were recovered immediately. They discovered how many tax dollars actually belonged to Chatham County that were going to other counties. In this situation he doesn't see why the County would take on that responsibility and liability when there are people you can hire to do title searches when that is the obligation of the landowner. It is not the responsibility of the County to do that for them.

Commissioner Howard asked Commissioner Petty if he knew whether or not his mineral rights had been severed. He said he did not. He said he did not expect Chatham County to find out for him, it was his responsibility to find out as the landowner. Commissioner Howard asked him if he believed that all landowners, regardless of where they are financially, should be at risk. She stated it feels like trespass whether or not it is referred to as trespass. Commissioner Petty stated if someone knocks on his door and says they are going to start moving equipment in on his property he is going to start doing his research. Commissioner Howard stated it will be too late. Commissioner Petty asked again why it is the County's responsibility. Commissioner Howard stated the County doesn't have to own the land to provide a public service, the citizens have the information they need to protect and defend their property.

*Chairman Crawford stated the severed mineral deeds are county records, the service deeds are county records, so what is being proposed is a report on county records.*

*Commissioner Hales stated a report that marries the two. There are no records of where the acres are on the surface. That is what the search will be.*

*Commissioner Howard stated it affects future land ownership.*

*Commissioner Petty asked what the cost is going to be associated with the project.*

*Commissioner Hales stated an intern doesn't make a large amount of money.*

*Commissioner Petty asked what resources it will take and is there a budget line item for it.*

*Commissioner Hales stated she is asking if the Board would like the County Manager to investigate it.*

*The County Manager stated staff could investigate having an intern coming down to work on the project, but staff has found interns are only available for the summer. His concern is this project may take more time. He clarified that the Board only wants minerals rights that are subject to fracking because there are probably mineral rights all over the county that have been severed.*

*Commissioner Hales stated she would like to focus the project along the Deep River.*

*Commissioner Petty asked the County Manager to ask Lee County what the cost was associated with their project.*

*The County Manager stated the GIS process in Lee County was a little more recognized because they have a broad spectrum of potential sites for fracking in that area. Chatham County does not; it has sites along the Deep River. He stated the County has highlighted some areas that are ready with GIS. He stated the County has just hired a new GIS person who may have some knowledge about how to get out that sort of information and the County is also getting ready to do a final interview with a Tax Administrator who may also have experience for that.*

*Chairman Crawford stated there is an interest on the Board to see what the options are at mapping subsurface mineral rights, especially the 6,480 acres identified.*

## 15-1225

Discuss a draft moratorium on fracking.

*Commissioner Hales presented a draft moratorium on fracking to the Board.*

*Commissioner Hales stated citizens presented petitions at the beginning of the meeting to ban fracking. She stated Senate Bill 820 is pretty prohibitive as to what counties cannot do with regards to fracking. The County cannot ban fracking but it can do a moratorium.*

*Commissioner Howard stated her only concern with the draft was with the thirty-six month timeframe. She felt that may be the sticking point that starts a response.*

*Commissioner Hales stated in her research of David Owens he stated the timeframe of a moratorium usually lasted anywhere from six months to twenty-four months.*

*Chairman Crawford stated twenty-four months would be the change the Board would like for the attorney to look into.*

*The Board asked the County Attorney to report back with his comments mid May.*

### **MANAGER' S REPORTS**

*The Manager had no reports at this time.*

### **COMMISSIONERS' REPORTS**

*Chairman Crawford stated the Triangle J Council of Governments is close to finding a new director.*

*Commissioner Hales stated she will be attending Triangle J Economic Summit next week.*

*Commissioner Howard stated she would like to thank the Guardians of Angels for the winter fundraiser where they collected pet toys.*

*Vice Chair Cross stated on Saturday May 2, the Sprott Center would have its Grand Opening from 12pm -4pm. The dedication will be at 2pm and BBQ and hot dogs will be served from 12pm-1:30pm.*

*Commissioner Petty stated he would like to remind the Board to give consideration to the people that signed the petition for the county wide zoning and the request to have community meetings.*

### **CLOSED SESSION**

[15-1229](#)

Closed Session to discuss matters within the attorney/client privilege.

**A motion was made by Vice Chair Cross, seconded by Commissioner Howard, to go out of the Regular Session and convene in Closed Session for the purpose of discussing matters within the attorney/client privilege. The motion carried by the following vote:**

**Aye:** 5 - Chairman Crawford, Vice Chair Cross, Commissioner Hales, Commissioner Howard and Commissioner Petty

### **ADJOURNMENT**

**A motion was made by Vice Chair Cross, seconded by Commissioner Petty, that this meeting be adjourned. The motion carried by the following vote:**

**Aye:** 5 - Chairman Crawford, Vice Chair Cross, Commissioner Hales, Commissioner Howard and Commissioner Petty