



Chatham County, NC

Meeting Minutes Board of Commissioners

Monday, April 21, 2014

6:00 PM

Historic Courthouse Courtroom

Rollcall

Present: 4 - Chairman Walter Petty, Vice Chair Brian Bock, Commissioner Mike Cross and Commissioner Jim Elza

Absent: 1 - Commissioner Pam Stewart

INVOCATION and PLEDGE OF ALLEGIANCE

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

CALL TO ORDER

Chairman Petty welcomed those in attendance and called the meeting to order at 6:06 PM.

APPROVAL OF AGENDA and CONSENT AGENDA

A motion was made by Commissioner Cross, seconded by Vice Chair Bock, that the Agenda and Consent Agenda be approved with the noted changes:

Commissioner Elza asked to remove Item # 14-0732 from the Consent Agenda and move it to the Regular Agenda.

The motion carried by the following vote:

Aye: 4 - Chairman Petty, Vice Chair Bock, Commissioner Cross and Commissioner Elza

14-0750

Vote on a request to approve the March 17, 2014 Work Session Minutes and the March 17, 2014 Regular Session Minutes.

Attachments: [03.17.2014 W & R Final](#)

A motion was made by Commissioner Cross, seconded by Vice Chair Bock, that the Minutes be approved. The motion carried by the following vote:

Aye: 4 - Chairman Petty, Vice Chair Bock, Commissioner Cross and Commissioner Elza

14-0689

Vote on a request by Dale & Mary Stansell to approve the rezoning of approximately .328 acres out of the 4.81 acre tract of Parcel No. 5248, located at 1060 New Elam Church Rd., New Hill, from R-1 Residential to CD-NB for a boat and RV storage facility.

Attachments: [Hyperlink](#)

A motion was made by Commissioner Cross, seconded by Vice Chair Bock, that this Agenda Item be approved. The motion carried by the following vote:

Aye: 4 - Chairman Petty, Vice Chair Bock, Commissioner Cross and Commissioner Elza

- 14-0690** Vote on a request by Walter Lewis dba The Extra Garage to approve the rezoning of Parcel No. 74879 and 5131 totaling approximately 11.46 acres, located at 41 W H Jones, Rd., New Hill, from R-1 Residential to CD-NB for a boat and RV storage facility.

Attachments: [Hyperlink](#)

A motion was made by Commissioner Cross, seconded by Vice Chair Bock, that this Agenda Item be approved. The motion carried by the following vote:

Aye: 4 - Chairman Petty, Vice Chair Bock, Commissioner Cross and Commissioner Elza

- 14-0695** Vote on a request to accept \$2,595.59 of Spay Neuter Program Funds

Attachments: [Spay Neuter Program Funds - Check.pdf](#)

A motion was made by Commissioner Cross, seconded by Vice Chair Bock, that this Agenda Item be approved. The motion carried by the following vote:

Aye: 4 - Chairman Petty, Vice Chair Bock, Commissioner Cross and Commissioner Elza

- 14-0712** Vote on a request to approve an appointment to the Appearance Commission

A motion was made by Commissioner Cross, seconded by Vice Chair Bock, that this Appointment be approved. The motion carried by the following vote:

Aye: 4 - Chairman Petty, Vice Chair Bock, Commissioner Cross and Commissioner Elza

- 14-0716** Vote on a request to adopt a Resolution Proclaiming April 2014 as Child Abuse Prevention Month

Attachments: [Child Abuse 2014](#)
[BOH Resolution for Child Prevention Month 2014](#)

A motion was made by Commissioner Cross, seconded by Vice Chair Bock, that the Resolution #2014-08 PROCLAIMING APRIL 2014 AS CHILD ABUSE PREVENTION MONTH, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:

Aye: 4 - Chairman Petty, Vice Chair Bock, Commissioner Cross and Commissioner Elza

- 14-0731** Vote on a request from citizens approving the naming of private road in Chatham County

Attachments: [Ethel Rogers Way Petition](#)
 [ETHEL ROGERS WAY](#)

A motion was made by Commissioner Cross, seconded by Vice Chair Bock, that this Agenda Item be approved. The motion carried by the following vote:

Aye: 4 - Chairman Petty, Vice Chair Bock, Commissioner Cross and Commissioner Elza

14-0732 Vote on a request to approve the Appointments to Chatham County Alcoholic Beverage Control Board

This Appointment was pulled from the Consent Agenda and moved to the Regular Agenda.

14-0733 Vote on a request to approve the Tax Releases and Refunds

Attachments: [NCVTS-MARCH-BOC 04-21-14](#)
 [TaxReleasesandRefunds04-21-2014](#)

A motion was made by Commissioner Cross, seconded by Vice Chair Bock, 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: 4 - Chairman Petty, Vice Chair Bock, Commissioner Cross and Commissioner Elza

14-0734 Vote on a request by Mark P. Ashness, P. E., CE Group, to approve a two year extension of the final plat submittal sunset date for the Legacy at Jordan Lake to extend the sunset date from December 31, 2015 to December 31, 2017.

Attachments: [Hyperlink](#)

A motion was made by Commissioner Cross, seconded by Vice Chair Bock, that this Agenda Item be approved. The motion carried by the following vote:

Aye: 4 - Chairman Petty, Vice Chair Bock, Commissioner Cross and Commissioner Elza

14-0740 Vote on a request to adopt a resolution allowing the County Manager to act on their behalf to sign grant applications allowing Chatham County Utilities to apply for a CDBG Grant in the amount of \$750,000.00.

Attachments: [Resolution by Governing Body of Applicant](#)
 [Resolution Chatham County](#)

A motion was made by Commissioner Cross, seconded by Vice Chair Bock, that both the Resolution #2014-09 OF CHATHAM COUNTY BOARD OF COMMISSIONERS TO SUBMIT AN APPLICATION FOR AND ASSIST IN FUNDING A PROPOSED FY13 NC SMALL CITIES CDBG INFRASTRUCTURE PROJECT , attached hereto and by reference made a part hereof, and the Resolution #2014-10 RESOLUTION BY GOVERNING BODY OF APPLICANT , attached hereto and by reference made a part hereof, be adopted. The motion

carried by the following vote:

Aye: 4 - Chairman Petty, Vice Chair Bock, Commissioner Cross and Commissioner Elza

14-0741 Vote on a request to approve Appointments to Planning Board

A motion was made by Commissioner Cross, seconded by Vice Chair Bock, that the Appointments be approved. The motion carried by the following vote:

Aye: 4 - Chairman Petty, Vice Chair Bock, Commissioner Cross and Commissioner Elza

14-0742 Vote on a request to approve changes to the County Historic Courthouse Rental Agreement

Attachments: [CourthouseRentalAgreement Redlined Version 04.21.2014](#)

A motion was made by Commissioner Cross, seconded by Vice Chair Bock, that this Agenda Item be approved. The motion carried by the following vote:

Aye: 4 - Chairman Petty, Vice Chair Bock, Commissioner Cross and Commissioner Elza

14-0751 Vote on a request to adopt a Resolution Honoring Chatham County's Outstanding Volunteers of 2014

Attachments: [Chatham County Volunteer Discriptions 2014](#)
[Volunteer Resolution 2014](#)

A motion was made by Commissioner Cross, seconded by Vice Chair Bock, that the Resolution #2014-11 HONORING CHATHAM COUNTY'S OUTSTANDING VOLUNTEERS of 2014, attached hereto and by reference made a part hereof be adopted. The motion carried by the following vote:

Aye: 4 - Chairman Petty, Vice Chair Bock, Commissioner Cross and Commissioner Elza

End of Consent Agenda

PUBLIC INPUT SESSION

Bob Knight asked to discuss the new Bojangles and Waffle House being built in Pittsboro and the fact they are not handicap accessible in his opinion. He stated the doors are not automatic and do not have push buttons. At the Bojangles, from the outside one cannot be seen from the cash registers. Handicapped individuals want to be able to be let in. He stated all doors open to the outside and not to the inside. He asked for the staff or county attorney to check to see if it is handicap accessible and if not encourage them to have the push buttons or automatic doors. He would like all businesses in Chatham County to take that extra step and install push buttons and be handicap accessible. He suggested meeting with the Town of Pittsboro because the businesses are in city limits. He would like a county ordinance passed that all new businesses be equipped with push buttons. He believes the County should send a paper to each town to also take that extra step to put push buttons.

SPECIAL PRESENTATIONS**14-0752** Vote on a request to adopt a Resolution Honoring the Service of DSS Director Sandy Coletta

Attachments: [Sandy Coletta Resolution](#)

Carolyn Miller presented the agenda item. Ms. Miller stated it was her honor to present this item and reviewed Coletta's 40 year history with the Department of Social Services and the County. With the retirement of any long term employee, as an organization we lose the great asset of the knowledge and experience that comes with tenure. Ms. Miller stated with someone with 40 years of service we have the potential of a great loss but with Ms. Coletta we have someone who has passed along that wisdom and knowledge to other employees so that it carries on. Ms. Miller stated she has the pleasure of working with all the department heads but she would gladly work for Ms. Coletta.

Chairman Petty read the resolution into the record.

Chairman Petty then presented Ms. Coletta with the framed resolution and plaque.

Ms. Coletta thanked the Board, the staff, and the citizens for the recognition. She stated working for Chatham County had been a wonderful opportunity and she has worked with such a great staff. She appreciates knowing them and working with them. She stated working with social services can be challenging but you know in your heart you are helping families and it makes it worth it. She thanked the management staff for their support and guidance, especially over the last five years. She thanked the DSS Board and all the hard work they do for the County. Ms. Coletta stated she will miss working for the County but is looking forward to retirement.

A motion was made by Commissioner Cross, seconded by Vice Chair Bock, that the Resolution #2014-12 HONORING THE SERVICE OF DSS DIRECTOR SANDY COLETTA, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:

Aye: 4 - Chairman Petty, Vice Chair Bock, Commissioner Cross and Commissioner Elza

14-0749 Vote on a request to adopt the Resolution Honoring EDC President Dianne Reid, Recipient of the Triangle Business Journal's Women in Business Award for 2014.

Attachments: [dianne reid resolution](#)

Chairman Petty read the resolution into the record.

Chairman Petty presented the resolution to Ms. Reid.

Ms. Reid stated she loved her job and the County. She echoed what Ms. Coletta said, that their work is about helping families improve their lives.

A motion was made by Commissioner Cross, seconded by Vice Chair Bock, that the Resolution #2014-13 HONORING EDC PRESIDENT DIANNE REID,

Recipient of the Triangle Business Journal's Women in Business Award for 2014, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:

Aye: 4 - Chairman Petty, Vice Chair Bock, Commissioner Cross and Commissioner Elza

PUBLIC HEARINGS

14-0736

Public hearing request from NNP Briar Chapel, LLC for a text amendment to the Chatham County Compact Communities Ordinance, Section 7.2 Wastewater Treatment; Section 9.2 Perimeter Buffer; and Section 9.3 Viewshed Buffers.

Attachments: [Hyperlink](#)

Angela Birchett, land use administrator, reviewed the specifics of the request.

The Chairman opened the public hearing for comments.

Nick Robinson, attorney with Bradshaw and Robinson in Pittsboro, spoke on behalf of the applicant, NNP-Briar Chapel, LLC who wished to make amendments to the Compact Communities Ordinance. Mr. Robinson stated there was a give and take with the Planning Staff but with the completion of the meeting the staff was comfortable with what the applicant was proposing.

Mr. Robinson stated there were three minor amendments being proposed and they were fairly straight forward. One amendment is simplifying and clarifying two of the wastewater provisions. A second amendment is creating an opportunity for adjoining landowners to agree to seek a waiver for a reduction of certain perimeter buffers. The third amendment is clarifying language in regards to a practical reality relating to viewshed buffers along the commercial areas.

Mr. Robinson turned the floor over to Mark Ashness, engineer, to review the wastewater changes being requested.

Mr. Ashness reviewed the wastewater specifics of the request.

Mr. Robinson reviewed the perimeter and viewshed buffer specifics of the request.

Mr. Robinson asked the Board if they had any questions.

Commissioner Elza asked if Briar Chapel had a Home Owners Association. Mr. Robinson stated they did.

Commissioner Elza asked if they would be selling wastewater to the new site. Mr. Robinson said they would not be selling it.

Mr. Ashness stated Briar Chapel Utilities would probably be sold to another utility and the customers of the US Steele tract would be customers of that Utility.

Commissioner Elza asked if there would be some kind of agreement. Mr. Ashness

stated there would be an agreement. The Utilities Commission requires the Utility to provide a service area and the Commission approves that service area.

The Chairman closed the public hearing.

This Agenda Item was referred to the Planning Board

14-0737

Public hearing request from Briar Chapel Utilities, LLC for a text amendment to the Chatham County Zoning Ordinance, Section 10.13 Table of Permitted Uses, to add a category entitled "Spray Irrigation of tertiary treated wastewater (reclaimed water) and allow as "P" Permitted in all zoning districts.

Attachments: [Hyperlink](#)

Angela Birchett, land use administrator, reviewed the specifics of the request.

The Chairman opened the public hearing for comments.

Nick Robinson, attorney with Bradshaw and Robinson in Pittsboro, spoke behalf of Briar Chapel Utilities. Mr. Robinson stated this amendment is a companion amendment with the compact communities ordinance request.

Mr. Robinson stated this clarification of the ordinance carries out the intent and purpose of the land conservation and development plan

. The change requested is also consistent with the land use plan.

The Chairman closed the public hearing.

This Agenda Item was referred to the Planning Board

14-0738

Quasi-Judicial Public hearing request by Tim Winters with Winter Custom Yachts, located at 2273 Holland's Chapel Rd., Parcel No. 64272, for a CUP revision to add three (3) additional 1800 sq. ft. storage buildings to the existing site.

Attachments: [Hyperlink](#)

Angela Birchett, land use administrator, reviewed the specifics of the request. Ms. Birchett stated this was a quasi-judicial request and at this time planning staff had no concerns with the request.

The Chairman administered the oath to the applicants and opened the public hearing for comments.

Tim Winters, applicant, stated that he wants to add additional storage as he has outgrown the space. This expansion would help them put engines and motors and simple building materials off the manufacturing floor and put them aside. He asked the Board if they had any questions.

Chairman Petty stated he did not have any questions but thanked Mr. Winters for

locating his business in Chatham County.

The Chairman closed the public hearing.

This Agenda Item was referred to the Planning Board

BOARD PRIORITIES

14-0730

Discuss and vote on a Board Representative for Orange-Person-Chatham Mental Health Oversight Board

The Board discussed the need to appoint a commissioner to the OPC Mental Health Board.

Commissioner Cross stated logistically, the representative from the Chatham County Board of Commissioners has always been District 1 because of where the OPC Board meets.

Commissioner Elza asked how often they met. Commissioner Cross stated they met at about once a month.

Commissioner Elza volunteered to serve as the County's representative.

A motion was made by Commissioner Cross, seconded by Vice Chair Bock, that the Appointment be approved. The motion carried by the following vote:

Aye: 4 - Chairman Petty, Vice Chair Bock, Commissioner Cross and Commissioner Elza

14-0735

A request from staff to discuss various text amendments to the Zoning Ordinance, Subdivision Regulations and Watershed Protection Ordinance to address recent legislative changes and enhance ordinance consistency.

Attachments: [Attachment A- BOA Amendments](#)

[Attachment B- Draft Plat Notes](#)

Hillary Pace, planner, reviewed the specifics of the request. She stated staff is requesting discussion and input.

Vice Chairman Bock stated it sounded like staff is simply aligning the ordinance with what the state is saying the County has to do.

Ms. Pace stated that was correct. Vice Chairman Bock stated there probably

is not a lot of guidance the Board can give.

Ms. Pace

stated there is an opportunity for the Board to separate the Board of Adjustment from the Board of Commissioners.

Vice Chairman Bock stated he would support that.

Commissioner Elza stated separating the Boards would be a good idea, however, the Board of Commissioners should not give up some of the special permits. He stated for the BofAdj to hear variances and to hear appeals of the position of the zoning administrator would be a good idea.

Commissioner Elza asked why the 1000 sq ft heated part of the ordinance was not a percentage of the dwelling.

Jason Sullivan, planning director, stated the county used to have a conflict in the ordinance. One provision that said you could have a percentage of the principal dwelling up to 1000 square feet and another provision that said up to 800 square feet. A few years later the County changed the ordinance to say 1000 square feet.

Commissioner Elza stated there are some large houses in this community. One may be 4,000 square feet and they may want a guest house of 2,000 square feet. The County would not permit that. Mr. Sullivan stated that was correct.

He said the primary reason staff was bringing this to the Board is because in the unzoned parts of the County where there is no square footage limit for guidance.

Commissioner Elza stated you could end up with an accessory dwelling bigger than the principal dwelling

Mr. Sullivan stated staff looks at heated square footage and discount the garage portion. It is not considered part of the heated square footage.

Commissioner Elza asked if the County allows accessory dwelling in garages. Mr. Sullivan stated the County does allow that.

The Board asked the planning staff to bring back with alternatives for accessory dwelling unit size and also look into other jurisdictions' methods

14-0732**Vote on a request to approve the Appointments to Chatham County Alcoholic Beverage Control Board**

Commissioner Elza requested that this item be removed from the consent agenda and moved to the regular agenda. He knew that in 2011 the North Carolina General Statute 18-700b was redone. He would like to make a motion to change the application process.

The Chairman stated this is how it has been done in the past.

The County Manager suggested a work session item so that the ABC Board could be present.

The Chairman stated we would ask the ABC Board Chair to come to the next work Session.

By consensus, the Board agreed.

MANAGER' S REPORTS

The County Manager reminded teh Board that staff is completing the budget recommendations for the coming year and there is a short Board of Commissioners' meeting on May 5, 2014 to present the budget.

COMMISSIONERS' REPORTS

Commissioner Cross stated he had received a letter from the Moore County Board of Commissioners' stating their intention to withdrawal from the Triangle J Council of Governments.

ADJOURNMENT

A motion was made by Commissioner Elza, seconded by Commissioner Cross, that the meeting be adjourned. The motion carried by the following vote:

Aye: 4 - Chairman Petty, Vice Chair Bock, Commissioner Cross and Commissioner Elza