



Chatham County, NC

Meeting Minutes Board of Commissioners

Monday, September 21, 2015

6:00 PM

Historic Courthouse Courtroom

Work Session - 2:00 PM - Historic Courthouse Courtroom

Present: 4 - Chairman Jim Crawford, Vice Chair Mike Cross, Commissioner Diana Hales and Commissioner Karen Howard

Absent: 1 - Commissioner Walter Petty

PUBLIC INPUT SESSION

Angela McCoy, submitted the following comments:

First I'd like to thank the commission for providing this forum for residents to express their concerns. This is a real service to our community. My name is Angela McCoy, and I am here as a Chatham County resident who has real concerns about the rapid commercial development along 15- 501 and most especially about my concern for a need for a more stringent and effective landscape buffer policy along that road. However, my recommendations here could also encompass all county roads that are open to future development. 15 - 501 in particular is a most valuable development area. It is prime real estate for developers beginning at the Chapel Hill line and moving south to our historic town of Pittsboro and which may eventually include the proposed Chatham Park development. I believe we can make the area even more desirable if we increase its aesthetic appeal. We can do this by requiring more stringent curbside landscaping along the highways that will enhance our roadway for years to come. By doing this we may attract more prosperous businesses. For instance, we might attract a Target rather than a Kmart or Panera Bread instead of a Jack-in-the-Box, etc. These businesses in turn might provide greater tax revenue in the form of sales taxes and real estate taxes.

To do this we would like to see the updating and expansion of the ordinance that covers landscape-buffering requirements in Section 10 of the Chatham County design guidelines. Section 10 is just one page long and was last revised in 2010, five years ago. It does not address curbside buffering at all, only screening for "adjacent property development" and "land use across an adjacent street." We would like the ordinance to include strict requirements for increased use of berms and especially evergreen plantings for year round visual appeal. For instance, evergreens might represent 50 to 75% of most plantings curbside.

I've brought you the ordinances from two nearby towns which were updated and expanded in 2015 and which have buffering ordinances, and which might act as a jumping off spot with ideas that could be accepted or rejected as they might suit our local needs-but might speed up the process for us. These and other ordinances like them are available on the Internet. There is no time to be lost. There is so much new development on the horizon. We need to act swiftly to preserve as much of the natural beauty of our area as we can, and to mirror its beauty by requiring more rigorous rulings concerning Streetscaping, as it is called.

We may have one success story in our quest to beautify 15 - 501. The Pittsboro Walmart, as you know, has a disturbing view from the road. The very sight of all that black shelving and of the mounds of bags of fertilizer and mulch displayed in the parking lot is truly offensive. The only landscaping seen from the road are oak trees placed 40 feet apart. We appealed by letter to Walmart to act as the forerunner in our efforts to make 15- 501 more attractive, by adding large evergreens in between the oak trees to act as a visual barrier. Today the request has passed two levels of management favorably and has been sent to the home office for final approval. We are waiting with fingers crossed for this final decision, which we hope will be positive.

In conclusion I am hoping that you will agree to modify and update the current landscaping ordinance to reflect the current trend towards curbside buffering that can only improve our visual landscape. This concludes my presentation and I thank you for listening to me.

Jim Gile, submitted the following comments:

Mr. Gile stated he lives in the Carolina Preserve and they have concerns with safety on O'Kelly Chapel Road. There are problems on O'Kelly Chapel Road (OCR) that include an unsafe speed limit (50 MPH) near Pittard Sears Road (PSR). The NCDOT data on this road indicated 15% of all drivers exceed 58 MPH as they approached PSR and driver speeds were recorded as high as 76 mph. Other problems on OCR are line of site issues at the PSR location. Also when driving on OCR eastbound at the intersection of PSR there is no right hand turn lane from OCR onto PSR. Making this turn is very dangerous and the potential to be rear-ended at a high rate of speed is not insignificant. NCDOT usage data shows O'Kelly Chapel Road is a major connector road for work, shopping & living that is undergoing explosive growth. The number of vehicles per day has grown over 60% from 2011 to 2013. At the current rate of growth daily traffic is expected to double in two years. The concern is that there is no right hand turn lane. Currently when one turns onto PSR one must make a very sharp, acute 45 turn. There is a drainage ditch that drops off drastically adjacent to the pavement near this intersection. Increased traffic when turning from OCR heading eastbound onto PSR is due to:

- Access to American Tobacco Trail Parking on Pittard Sears Road*
- Access to Maintenance Area road going to Golf Course*
- Access to the Carolina Preserve*
- Existing Development at the End of PSR*
- 2 New Developments Being Built on PSR*
- Third Development is to be built*

Mr. Gile requests changes to the Intersection of OCR and PSR which will allow:

- Proper turn lane at intersection similar to Fayetteville and Swift Creek.*
- Adequate Pavement at the turn vs Pavement, dirt and grass*
- A larger turn radius allows for a safer turn*

Larry Ballas, submitted the following comments:

He stated he would like to talk about O'Kelly Chapel Road. It used to be a nice country road but it isn't anymore. There is a lot of traffic on there now. He would like to make a recommendation to the people living in the Carolina Preserve for alternative ways for driving or avoiding that road and still getting to Southpoint and Chapel Hill or Apex. You can go over to Highway 55 or 54 or go to New Hope Church Road and get on Highway 751 and head toward Durham. It is a difficult road and is only going to get worse. The State is going to do what they want. As far as the Board spending money on improving the road, he believes all the land is in Cary and he believes Cary should be responsible for the improvements. Eventually it is

going to be a four lane road all the way to highway 751. The reason there is so much traffic is because it is emptying out all the people working in Chapel Hill and Durham down to the 540 toll road. It is the only way to get there by a convenient route. A lot of that traffic going both ways in the morning and later in the afternoon is because of people working in the area. It is not because of people from the Carolina Preserve although they add to it. There are alternative routes. He does not know whether the State will come in and selectively do things. They don't usually do that. He knows Cary can loan the State money and they have done that previously. Down where the Carolina Preserve is it is Cary and up further it is Chatham County. If you are going to do something on the road you need to do it all the way, just doing it on some parts is not going to solve the problem of speeding. If people are concerned about speed perhaps getting a portable speed indicator like they put near school districts would be an option. That way people would at least know how fast they are going because sometimes on a road like that you just follow traffic and you don't know how fast the first car is going. The Board may want to get help from Cary because they are in our District and they are just as concerned about roads as anybody else. He knows the plan to widen Highway 751 was put on a thirty year plan so O'Kelly Chapel Road is probably not more aggressive than that as far as committing money to it. It is important to everyone that there are safe roads. He asked to the Board to try to do something.

BOARD PRIORITIES

15-1393

2015 Third Quarter Employee of the Quarter-Annette Reaves, Facilities

The Chairman called on Courtney Goldston, Human Resource Analyst to introduce Annette Reaves, the Employee of the Third Quarter. Ms. Goldston stated Ms. Reaves is a member of the County's Facilities Department and she received multiple nominations for this award. A DSS worker stated in her nomination that "Ms. Reaves has a noble profession and she never lets what others think change what she does. She encourages me to give 110% at all times as she does. I think we can all take a cue from her. The County is lucky to have someone like Annette on our team."

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

15-1405

Consideration of a request to establish a Chatham County Conservation and Climate Change Task Force

Attachments: [Conservation and Climate Change Task Force](#)

John Graybeal introduced Laura Lauffer, Amanda Robertson, and Sonny Keisler all of whom helped him with the proposal.

Mr. Graybeal reviewed the goal of the Task Force as making recommendations to the Board and others regarding likely climate change impacts in Chatham County and ways to adapt to and mitigate these impacts including reducing CO2 and other emissions, promoting use of renewable energy, encouraging land and timber practices that mitigate climate change.

Mr. Graybeal stated the Task Force would formulate more specific recommendations that would include:

- Reducing Chatham County's carbon footprint

- Study carbon neutral policies adopted by other local jurisdictions
- The LEED building standard, possibly recommending it be reinstated
- Recommendations regarding Chatham owned energy-efficient vehicles
- Solar panels on County buildings

Mr. Graybeal stated the group hoped to be making recommendations within six months. They would like to know if the Board had any issues they would like for the group to address. They met with the Environmental Review Advisory Committee and outlined the perspective goals that the Task Force might have and it was agreed at that meeting that the two groups should stay in close touch with each other but there were no conflicts in what they would be proposing to do.

Mr. Graybeal stated there is a question as to whether or not the group should be a task force or a committee. They also need the Board to decide the size of the group. They suggest seven to nine members. They also would be happy to suggest some of the skills they would like some of the members to have.

Mr. Keisler read the following statement to the Board:

My name is Sonny Keisler. I live at 3006 River Forks Rd.

Pope Francis will be addressing a joint session of Congress this Wednesday. The Vatican indicates his major goal is to convince Congress and all Americans- including those in this room today - that greenhouse gas pollution and its consequences – ocean acidification, global warming and climate change- represent major threats to "God's Creation" and that bold and immediate actions must be taken if humanity is to avoid catastrophic changes this century in the biological and physical systems that have supported civilization for over 10,000 years.

The scientific community tells us if we do not take these actions we can expect chaos to engulf the world including Chatham County over the coming decades. This message was presented in stark terms by a 2012 report issued by the World Bank entitled "Turn Down the Heat: Why a 4° C Warmer World Must Be Avoided". Here we are told that if present trends continue, a temperature increase of 4° C (7 .2° F) may well occur by 2060 and lead to a world convulsed by mass chaos and systems collapse resulting in a world " so dramatically different from today's world that it is hard to describe accurately ".

This report echoes a 2014 statement by the Church of England which said "The threat of climate change is a giant evil, a great demon of our day, ... The damage this great demon will do to this beautiful earth if unchecked, is unimaginable." In the Roman Catholic encyclical released this past June, we are given this same message. Here the Catholic Church states "The earth, our home, is beginning to look more and more like an immense pile of filth". In 1969 Richard Nixon signed into law the National Environmental Policy Act which had as its goal the creation of a world where "man and nature can exist in productive harmony". Today, because we have failed to honor this goal we must do two things. First, as much as possible, we need to adapt to a radically new, hotter, more turbulent world. Secondly, because we can still avoid catastrophe this century, we must radically change our ideas concerning economic development, farming, forestry, energy sources, and population growth, and do all we can to slow down global warming. This must be done at both the local level and national levels. The purpose of our proposed Task Force is to help begin this difficult journey here in Chatham County.

Vice Chair Cross asked when they would have a list of the activities they would be involved in so the county would have something to list in the advertisement for

membership. Mr. Graybeal stated the list they have come up with is what they presented earlier.

Vice Chair Cross explained that the County had not discarded the LEED certification program but rather considered each capital improvement individually. The County also has a contract with a company that conducts energy audits of all the buildings.

Ms. Lauffer stated they wanted to discuss who else could be on this committee. They were thinking engineers, someone from K-12 education, someone from the community college, etc. They would like to know what type of people the commissioners envision on the committee what the commissioners' goals are for energy in the county.

Vice Chair Cross stated he would rather they recommend what kind of people are needed on this committee because they are more qualified to know the needs.

Commissioner Howard stated she does have a specific interest in LEED certification such as off gassing of materials. She also asked if there is a difference between a task force and a committee. Vice Chair Cross stated committees are considered long term and a task force is normally used to find a definable solution fairly quickly.

Commissioner Hales agrees there are things the county can do but is not sure what tasks the county can take on. She believes it might be good to have a group investigate the issues. She would encourage having a committee formed to see what Chatham County can do.

Chairman Crawford and Commissioner Howard both agreed.

Commissioner Hales believes it should be a committee because it will be an ongoing dialogue with changing rules.

A motion was made by Commissioner Hales, seconded by Commissioner Howard, that the County establish a Climate Change Committee with up to nine members. The motion carried by the following vote:

Aye: 4 - Chairman Crawford, Vice Chair Cross, Commissioner Hales and Commissioner Howard

[15-1421](#)

Affordable Housing Retreat

Renee Paschal, Assistant County Manager, introduced Peg Carlson, from the UNC School of Government. Ms. Carlson is facilitating the Affordable Housing Retreat.

Ms. Carlson reviewed the draft agenda for the Affordable Housing Retreat. She asked the commissioners if the retreat objectives and agenda were acceptable.

The Commissioners agreed the retreat agenda was acceptable and the retreat objectives were consistent with what they hoped to accomplish.

[15-1395](#)

Presentation on safety issues concerning O'Kelly Chapel Road in Chatham County

Attachments: [O'Kelly Chapel Road Critical Situation V5](#)
[PETITION - O'Kelly Chapel Road Safety Improvements](#)

Dr. Stan Levine gave a PowerPoint Presentation on the safety issues concerning O'Kelly Chapel Road in Chatham County. (Presentation Attached)

Dr. Levine distributed a list of detailed improvements they would like to see the Board's help with.

Chairman Crawford stated the County has to go to NCDOT for these issues. He asked Dr. Levine to rank the improvements he suggested. He asked if the speed limit reduction would make the greatest difference. Dr. Levine stated most of the improvements are so simple and cheap. Three years ago he convinced the NCDOT they needed to put reflectors in the middle of the road and they complied. However, they did not maintain them and now they are all gone.

Commissioner Howard asked if NCDOT responded the changes were not yet justified. Dr. Levine stated NCDOT responded there was not a problem at all. He clarified that Division Eight, which is responsible for Chatham County is the one who says there is not a problem, not Division Five, which is responsible for Wake and Durham Counties.

Commissioner Hales stated the Transportation Advisory Committee can take a look at this issue, especially because the location on the road determines which MPO/RPO you are in. She asked if they are noticing commuters or a lot of truck traffic. Dr. Levine stated there is very little truck traffic, it is mostly commuter traffic.

Commissioner Howard stated during the forum it was stated the passing distance of some of the passing zones needed to be looked at and NCDOT was going to come back after looking into that. Dr. Levine believes no part of the road should have passing zones. There is one long stretch if the speed limit was reduced it would be safe to pass.

Commissioner Howard asked if the Cary speed limit is lower. Dr. Levine stated there are curves where it lowers but the speed limit is 50mph on the entire road.

Jim Gile stated he and his wife were almost killed in an accident on O'Kelly Chapel Road on July 29, 2015. He recently asked NCDOT if they could widen the road and they told him he was new to the area. He asked them to please consider widening the road. He also asked them to change a sign that was in the wrong place but they said they couldn't because it would cost \$300. He believes it is difficult to deal with the DOT when things seem simple.

Larry Ballas stated lowering the speed limit to 45mph won't help when people regularly do 75mph. The problem isn't the signs; it is the attitude of the people. On the American Tobacco Trail there are stop signs on each side of the trail signaling people to stop before they cross the street but people go right out into the road.

Commissioner Howard stated the rules aren't good if they aren't getting a reaction. A sign may work for a while but after people become inoculated to it you may want to add flashing lights.

Mr. Ballas stated nothing will happen until five more people get killed on that road. That is the way the DOT works. He believes having a police car on the road as a deterrent is a good place to start.

Chairman Crawford stated Mr. Ballas's suggestions are things the Board would forward to the Sheriff's office and it will pass them along.

Dr. Levine stated changing the speed limit is cheap.

Commissioner Hales believes elimination of short passing zones would be helpful. Radar signs to alert motorists of their speed may also be a way to slow people down.

This Agenda Item was received and filed.

15-1415

Presentation by Curt Devereux, President of Triangle Rails to Trails Conservancy (TRTC), on improving the safety of trail users at the O'Kelly Chapel Road Crossing of the American Tobacco Trail.

Curt Devereux, of the Triangle Rails to Trails Conservancy (TRTC) gave the Board some background on the TRTC and their mission.

Mr. Devereux reviewed safety issues with the American Tobacco Trail crossing at O'Kelly Chapel Road. He stated he recently worked with NCDOT's District Eight on a few issues. The DOT had a nine day period where they monitored the traffic issues at the trail crossing on O'Kelly Chapel Road. They found people consistently going at least 50mph through the crossing. Chairman Crawford asked what the speed limit is at the crossing. Mr. Devereux stated it is 50 mph. They have yellow signs alerting drivers to reduce down to 35mph but those are not enforceable. They saw over four hundred road crossers between nine and noon on a couple of days of the study.

Mr. Devereux stated the signs alerting motorists of the crossing should be moved further back to give them more notice. He stated DOT says stationary flashing lights become part of the environment and are not effective. User activated lights, however, may be a more effective alternative. He understands there may be discretionary money available through the MPO.

Commissioner Hales asked if the walker or user of the trail would activate the lights. Mr. Devereux stated yes. He stated officials down at some of the beach communities use the lights and they like the results. He also presented this to the Transportation Advisory Committee a few weeks ago and they felt the lights were a reasonable thing to explore.

Commissioner Hales asked if any of these lights are installed along the trail. Mr. Devereux stated there are some that are similar installed on Renaissance Parkway near Southpoint.

Chairman Crawford stated it is worth the effort to look into the issue and make the area safe because of the amount of use the trail is getting.

Mr. Devereux stated if the County decides to purchase the lights it would be something it would have to budget for long term including electricity.

This Agenda Item was received and filed.

15-1408

A request to approve a letter of intent to commit required matching local funds for bicycle and pedestrian projects submitted through the Triangle Area Rural Planning Organization for SPOT 4.0 state transportation project prioritization process and to adopt a resolution to endorse the TARPO project list.

Attachments: [Sample Letter of Intent to Commit SPOT 4.0](#)
[TARPO Resolution of Intent BOC 9-21-15](#)
[Transportation Update 21sept15 BOC presentation](#)

Hillary Pace, Planner, presented a PowerPoint Presentation.

(Presentation Attached)

A motion was made by Commissioner Hales, seconded by Commissioner Howard, that Resolution #2015-35 To Endorse the TARPO Project List Identified for Consideration in NCDOT Prioritization 4.0, attached hereto and by reference made a part hereof, be approved. The motion carried by the following vote:

Aye: 4 - Chairman Crawford, Vice Chair Cross, Commissioner Hales and Commissioner Howard

A motion was made by Commissioner Hales, seconded by Commissioner Howard, to approve the letter of intent to commit local funds for the bike/ped project. The motion carried by the following vote:

Aye: 4 - Chairman Crawford, Vice Chair Cross, Commissioner Hales and Commissioner Howard

[15-1412](#)

An update to the Board regarding the SPOT 4.0 state transportation project submittal list for Durham-Chapel Hill Carrboro Metropolitan Planning Organization (DCHC-MPO); Vote on a request to approve an interlocal agreement for MPO membership, and an update from staff regarding the use of MPO Discretionary Funds.

- Attachments:** [Interlocal Agreement](#)
 [Projects 21Sept15BOC](#)
 [Transportation Update 21sept15 BOC presentation](#)

Hillary Pace, Planner, presented a PowerPoint Presentation.

(Presentation Attached)

A motion was made by Commissioner Hales, seconded by Commissioner Howard, to endorse the SPOT 4.0 Project List for the DCHC-MPO. The motion carried by the following vote:

Aye: 4 - Chairman Crawford, Vice Chair Cross, Commissioner Hales and Commissioner Howard

A motion was made by Commissioner Hales, seconded by Commissioner Howard, to authorize the County Manager to sign the Interlocal Agreement for MPO Membership in the DCHC-MPO. The motion carried by the following vote:

Aye: 4 - Chairman Crawford, Vice Chair Cross, Commissioner Hales and Commissioner Howard

A motion was made by Commissioner Hales, seconded by Commissioner Howard, that the \$43,743 in discretionary funds be discussed and reallocated based on recommendations of the Chatham County Transportation Advisory Committee. The motion carried by the following vote:

Aye: 4 - Chairman Crawford, Vice Chair Cross, Commissioner Hales and Commissioner Howard

[15-1410](#)

Vote on At-Large Appointments to Comprehensive Plan Steering Committee

The Clerk stated there was a question at the Agenda Review Meeting about postponing this item until the October 19, 2015 Board of Commissioners meeting. Commissioner Hales asked for the reasons the item needed to be postponed.

Debra Henzey stated there is a need for more diversity of minorities among the applicants and there are no applicants from the Western part of the County. There was also the concern that Commissioner Petty would not be at this meeting. Commissioner Hales stated applicant Del Turner lives in Gulf, which is in the Western part of the County. Ms. Henzey stated applicants are missing from and around the Siler City area. Vice Chair Cross stated Commissioner Petty was going to see if there was interest from his district.

Commissioner Hales stated she would like to increase the three at-large appointments to four at-large appointments.

The Board agreed by unanimous consent that the at large appointments should be increased to four.

The Board also agreed that Chairman Crawford will serve as the Affordable Housing representative on the committee until the Affordable Housing Committee is formed and a representative is selected.

The Board agreed to postpone selecting the at-large appointments until the October 19, 2015 Board of Commissioners meeting.

This item was tabled until the October 19, 2015 Board of Commissioners Meeting.

ADJOURNMENT

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

Aye: 4 - Chairman Crawford, Vice Chair Cross, Commissioner Hales and Commissioner Howard

End of Work Session

Regular Session - 6:00 PM - Historic Courthouse Courtroom

Present: 4 - Chairman Jim Crawford, Vice Chair Mike Cross, Commissioner Diana Hales and Commissioner Karen Howard

Absent: 1 - Commissioner Walter Petty

INVOCATION and PLEDGE OF ALLEGIANCE

CALL TO ORDER

APPROVAL OF AGENDA and CONSENT AGENDA

The Chairman stated Item #15-1413 was being pulled at the request of staff for a future meeting. Commissioner Hales stated the minutes, Item #15-1416 were being approved with a change that had been submitted to the Clerk prior to the meeting.

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

Aye: 4 - Chairman Crawford, Vice Chair Cross, Commissioner Hales and Commissioner Howard

[15-1416](#)

Vote on a request to approve the August 17, 2015 Work and Regular Session Minutes.

Attachments: [Draft Minutes 08.17.2015 W & R Sessions](#)

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

Aye: 4 - Chairman Crawford, Vice Chair Cross, Commissioner Hales and Commissioner Howard

[15-1394](#)

Adopt FY 2016-2017 Budget Calendar and Evaluation Criteria

Attachments: [Evaluation Criteria](#)
[BudgetCalendar](#)

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

Aye: 4 - Chairman Crawford, Vice Chair Cross, Commissioner Hales and Commissioner Howard

[15-1366](#)

Vote on a request to approve \$2,700 Quality Improvement 101 Grant Award

Attachments: [\\$2,700 QI 101 Grant Award Check](#)
[\\$2,700 QI 101 Grant Letter](#)

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

Aye: 4 - Chairman Crawford, Vice Chair Cross, Commissioner Hales and Commissioner Howard

[15-1365](#)

Vote on a request to approve \$20,000 Ebola Preparedness & Response Funds

Attachments: [\\$20,000 Ebola Preparedness and Response Funds](#)

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

Aye: 4 - Chairman Crawford, Vice Chair Cross, Commissioner Hales and Commissioner Howard

[15-1420](#)

Vote On A Request To Approve Lease with CORA And Give The County Manager The Authority To Execute Lease

Attachments: [Lease Extension Chatham Outreach Alliance, Inc CORA 2015](#)

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

Aye: 4 - Chairman Crawford, Vice Chair Cross, Commissioner Hales and Commissioner Howard

[15-1392](#)

Vote On A Request To Approve Lease With Greek Kouzina And Give The County Manager The Authority To Execute Lease

Attachments: [Lease Agreement with Greek Kouzina Inc 2015 Clean](#)

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

Aye: 4 - Chairman Crawford, Vice Chair Cross, Commissioner Hales and Commissioner Howard

[15-1397](#)

Vote on a request to approve an Appointment to the Appearance Commission

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

Aye: 4 - Chairman Crawford, Vice Chair Cross, Commissioner Hales and Commissioner Howard

[15-1398](#)

Vote On A Request To Adopt A Resolution Approving The Addition Of Streets in the Henry's Ridge Subdivision to the North Carolina System of Secondary Roads

Attachments: [2015 09 02 Resolution Request - Henrys Hill Ln](#)
[Henry's Ridge Subdivision Resolution](#)

A motion was made by Commissioner Hales, seconded by Commissioner Howard, that Resolution #2015-36 Approving the Addition of Streets in the Henry's Ridge Subdivision to the North Carolina System of Secondary Roads, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:

Aye: 4 - Chairman Crawford, Vice Chair Cross, Commissioner Hales and Commissioner Howard

[15-1399](#)

Vote on a request to approve reappointment to Jury Commission

Attachments: [jury commission appointment request](#)
[appointment letter](#)
[jury commission statement of sources and procedures](#)
[North Carolina general Statutes](#)

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

Aye: 4 - Chairman Crawford, Vice Chair Cross, Commissioner Hales and Commissioner Howard

[15-1404](#)

Vote on a request to approve an Appointment to Recreation Advisory Committee

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

Aye: 4 - Chairman Crawford, Vice Chair Cross, Commissioner Hales and Commissioner Howard

[15-1422](#)

Vote on a request to approve re-appointments to the Chatham County ABC Board

A motion was made by Commissioner Hales, seconded by Commissioner Howard, that the Appointments be approved. The motion carried by the following vote:

Aye: 4 - Chairman Crawford, Vice Chair Cross, Commissioner Hales and Commissioner Howard

[15-1400](#)

Vote on a request to approve the Tax Releases and Refunds

Attachments: [August 2015](#)
[August 2015](#)

A motion was made by Commissioner Hales, seconded by Commissioner Howard, 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 Crawford, Vice Chair Cross, Commissioner Hales and Commissioner Howard

[15-1406](#)

Vote on a request to approve Lewis Metty Development, Inc for an extension of the subdivision preliminary plat expiration for Cedar Mountain, Phase 3 to extend the date from January 16, 2016 to January 16, 2018.

Attachments: [More Information from Planning Department Website](#)

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

Aye: 4 - Chairman Crawford, Vice Chair Cross, Commissioner Hales and Commissioner Howard

[15-1407](#)

Vote on a request to approve F-L Legacy Owner, LLC for subdivision final plat approval of The Legacy Phase 5A1, consisting of 35 lots on 11.78 acres, located off SR-1716, Big Woods Road, Williams Township, parcel #17378.

Attachments: [More Information from Planning Department Website](#)

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

Aye: 4 - Chairman Crawford, Vice Chair Cross, Commissioner Hales and Commissioner Howard

[15-1409](#)

A vote to adopt a Resolution of Intent to set a public hearing for October 19th, 2015 to permanently close a portion of Jack Bennett Road Right of Way as a result of NCDOT Condemnation for Safety Realignment.

Attachments: [2015.08.31 Abandonment Application Materials v 2](#)
[DoT Abandonment Plan](#)

A motion was made by Commissioner Hales, seconded by Commissioner Howard, that Resolution #2015-37 of Intent to Permanently Close An Abandoned Jack Bennett Road Right of Way, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:

Aye: 4 - Chairman Crawford, Vice Chair Cross, Commissioner Hales and Commissioner Howard

[15-1411](#)

Vote on a Request to Approve the Project Ordinance for the Telephone System Replacement - Countywide

Attachments: [UnifiedPhoneSystemOrdinance](#)

A motion was made by Commissioner Hales, seconded by Commissioner Howard, that this Ordinance, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:

Aye: 4 - Chairman Crawford, Vice Chair Cross, Commissioner Hales and Commissioner Howard

[15-1413](#)

Vote on a request to approve consideration to waive the competitive bid process, and award the piggyback bid for the upgrade of Airbus Patriot to Airbus Vesta Hardware and license, and authorize Charlie Horne to execute contract.

Attachments: [Wireless Communications Quote \(Piggyback\)](#)
[HenryCountyAward](#)
[NCGS 143-129](#)

This item was pulled from the Consent Agenda at the request for staff to be placed on a future agenda.

[15-1414](#)

Vote On A Request to Adopt A Resolution Proclaiming September 2015 As Chatham County Preparedness Month

Attachments: [Res-Chatham County Preparedness Month 09.21.2015](#)

A motion was made by Commissioner Hales, seconded by Commissioner Howard, that Resolution #2015-38 Proclaiming September 2015 As Chatham County Preparedness Month, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:

Aye: 4 - Chairman Crawford, Vice Chair Cross, Commissioner Hales and Commissioner Howard

End of Consent Agenda

PUBLIC INPUT SESSION

Larry O'Brien, submitted the following comments:

I am here on behalf of Senior Citizens that are less fortunate in Chatham County who are wheel chair bound and lack affordable transportation to some of the main events in North Carolina including the State Fair. I have talked to Chatham Transit and the lady has told me that she can carry four wheel chairs on her van and the price is \$300.00. That is \$75.00 per person. I think that the rate should be the same as some of the other centers. I ask for some help. Thank you.

Charles Lutterloh, 323 L&W Lane, Pittsboro, submitted the following comments:

I am a native of Chatham County, a farmer and a small business owner and the President of the Chatham County Farm Bureau. My concern is the zoning issue. We have found that the majority of our farmers and rural land owners in the western part of the county do not want to be zoned especially at this time. We do not see the growth in the western side of the county anything like going on in the eastern side of the county. If you have some areas that are next to Chatham Park that need to be zoned and the owners want to zone we have no problem with that. From Pittsboro west the majority of our members and farmers and rural land owners would rather not see zoning. You certainly need to wait until the land use project is finished. At this time we would like see the commissioners vote down zoning in the western part of the County. Thank You.

Gary Moon, 3665 Moon-Lindley Road, submitted the following comments:

I grew up in Chatham County and have lived here all my life. My family has been in the agricultural business and cattle business since I was born. We try to make our living in that. It is pretty tough these days and with more regulations coming upon us it just makes it tougher and tougher. Agriculture is the number one business in Chatham County and has been for a long time and yet it seems like every time we turn around there are more regulations aimed at us. Agriculture is the number one business. It takes less than one dollar for the services we require. It takes more than one dollar for the services that the urban/suburban city people require. If you have no farms you have no food. Don't bite the hand that feeds you. The average age of

the farmers in this County is in the low sixties. Young people are not coming into agriculture, the money is not there and the return on investment is not there. They are leaving the county just as fast as they get their education. You guys are all honest people. We were told early on with the zoning issue that the Planning Board, what they came back to you guys with would be what you guys went with. The Planning Board voted six to four for no further zoning in the western part of the County. We expect the Board of Commissioners, you are honest people, to honor your word. Don't zone in the western part of the County. Don't try to fix something that is not broken. We don't need it and we don't want it. Thank you.

Cheryl Chamblee, Chatham County Arts Council, submitted the following comments:

My name is Cheryl Chamblee, and I'm the Executive Director of the Chatham Arts Council. In June, you made an investment in educational impact through the arts. Chatham County dollars will be helping fund our Pilot Year of the Chatham Artists-in-Schools Initiative. In this pilot year, we plan to work with North Chatham Elementary in Pittsboro and Virginia Cross Elementary in Siler City to bring theatre artists into fourth and fifth grade classrooms to create new pathways to learning history, writing, and language. I'm here tonight to say thank you--and to let you know how it's going so far. A quick quarterly report on your investment.

First, some awesome news: You have already doubled your investment. We got word two weeks ago that the North Carolina Arts Council is granting us \$29,489. To get those State dollars, a match is required. Thanks to you, we have the match. Funding competition was intense this year with 40% more applicants than in previous years, but the panel was impressed with our organization, our partnerships, and what we could bring to the table.

And that's not even what's had me walking on air for the past two weeks. I wish you all could have been with us recently at Virginia Cross Elementary to hear the first planning session between Principal Allison Buckner and nationally known theatre artists David zum Brunnen and Serena Ehardt. We're talking about a student population that is 70% Hispanic, 90% on free or reduced lunch, and struggling to perform at grade level. This residency can be a new way in to history and language learning for these kids. Principal Buckner is so very excited for these kids to get this opportunity--one that is otherwise out of reach for most of them.

This Friday, I get to be part of a similar kick-off meeting at North Chatham Elementary, and I expect to leave just as uplifted. We're excited that we're working with schools in both the east and west of the County, that we're funding these residencies without placing an additional burden on classroom teachers to come up with dollars, that we're getting huge enthusiasm from all our partners--Chatham County Schools, Chatham Park, individuals, and small businesses. I can't wait to see this unfold and grow. Thank you for being a part of this team to help fill a gap for Chatham County students.

SPECIAL PRESENTATION

[15-1382](#)

Vote on a request to adopt a Resolution Honoring East Chatham Blue Baseball Team

Attachments: [East Chatham Baseball Resolution](#)

Chairman Crawford read the resolution into the record.

The Chairman presented the resolution to the team and the entire Board posed with the team for pictures.

Chad Johnson, coach for the team, addressed the Board. Mr. Johnson thanked the Board for the recognition and thanked the parents and the coaches for all their hard work. He also thanked the County for all of its support with grants over the years and for the partnership with Chatham County Schools. He stated he had been working with many of the players since they were five or six years old and they had all been working toward this victory for many years. They came in seventh in the state out of sixteen teams when they were just seven and eight years old. When they were ten years old they came in second in the state and last year they also came in second in the state. They have had a history of doing well but winning the state title this year was an amazing accomplishment.

A motion was made by Vice Chair Cross, seconded by Commissioner Hales, that Resolution #2015-39 Honoring East Chatham Blue Baseball Team, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:

Aye: 4 - Chairman Crawford, Vice Chair Cross, Commissioner Hales and Commissioner Howard

PUBLIC HEARINGS

[15-1396](#)

Public Hearing on Rural Operating Assistance Program Grant and Approval of Certification Statement

Attachments: [E - County ROAP Certified Statement](#)

Anna Testerman, Director of Chatham Transit, reviewed the specifics of the item.

Commissioner Hales asked about Larry O'Brien's comment from public input that it would be too expensive to pay to go to the state fair. She asked if that could be covered under these funds. Ms. Testerman stated that is up to the Council on Aging. Chatham Transit is providing three vehicles to the Council on Aging to take clients to the State Fair. Chairman Crawford asked if there is adequate transportation for everyone who wants to go to the State Fair. Ms. Testerman stated with the three vehicles Chatham Transit is providing around 40 people will be able to go to the State Fair. She stated most vehicles will only hold four wheel chairs and she has a limited number of vehicles in her fleet. She cannot provide more than three vehicles on that day.

The Chairman opened up the public hearing.

No one signed up to speak.

The Chairman closed the hearing.

A motion was made by Commissioner Howard, seconded by Vice Chair Cross, that the ROAP Certified Statement be approved. The motion carried by the following vote:

Aye: 4 - Chairman Crawford, Vice Chair Cross, Commissioner Hales and Commissioner Howard

[15-1401](#)

Public Hearing to receive public input on proposed noise ordinance changes.

Attachments: [2015 DRAFT NOISE ORDINANCE Final](#)

Jep Rose, County Attorney, reviewed the changes in the Noise Ordinance.

Commissioner Hales asked if the gun ranges are exempt from the ordinance due to the new law passed by the General Assembly. Mr. Rose stated they are not exempt, however, they are subject to the laws that were in existence on the date they began operation. They would be exempt from the changes in the new ordinance. Commissioner Hales asked if there are any gun ranges in the County that would be exempted from changes in the new ordinance. Mr. Rose stated he did not know.

Commissioner Hales asked if Shakori Hills would need a permit for their three day concerts. Mr. Rose stated they could apply for a permit. Chairman Crawford stated they would have to reach above sixty to eighty decibels at their nearest neighbor and that is quite loud. They probably do not need a permit.

Mr. Rose stated Daytime Hours will be coming out in the final draft because they currently go all the way to 11:00 PM.

Vice Chair Cross suggested dropping back the night hours to 9:00 PM.

Commissioner Howard asked if there is an age limit of person making complaint. Mr. Rose stated the person making the complaint must be at least the age of eighteen.

Commissioner Howard stated in 92.04 (b) the language should be changed to say "the permit covers the following hours".

Tony Gaeta, 305 Durham Bailey Lane, Pittsboro, submitted the following comments:

First I want to thank each of you for your public service and for making Chatham County a better place to live for all of its residents. I also thank you for proposing this revised Noise Ordinance as well as the Sheriff's Department for working with you on this matter. As a member of the neighborhood group whose safety and peaceful use of our land was violently disturbed a year ago by the operation of the military gun range called "Range 2A" and who personally participated in complaints to and meetings with the Sheriff's Department regarding violations of the current Noise Ordinance, I can wholeheartedly support this changed noise ordinance. I recognize that the Sheriff's department does not have unlimited resources. Further I recognize that Chatham County is one of NC's largest counties in area and that it is burdensome at times for the Sheriff's department to respond as promptly as I am sure it would like to when residents call to complain of noise or other noxious activities affecting their peaceful way of life. Hence the change in the proposed ordinance to allow 2 unrelated citizens to complain, in good faith, of a violation of the noise ordinance and thereby result in a prima facie case of a violation is welcome indeed. In a related matter, I am uncertain, as a member of the Planning Board, what, if any change in zoning will be implemented in the future and had the land where Range 2 A was operating was properly zoned as a residential area, our neighborhood would not have experienced the disruption we were faced with. Consequently I again ask you, on behalf of all residential communities in the county who exist in or near an unzoned area of the county, to develop and propose a strict

gun range ordinance to regulate "for profit" commercial or "open to the public" club-like gun ranges. Many of our sister counties have developed such ordinances to protect its citizens. It my humble opinion it is time, in light of the uncertainty of future zoning which would prohibit similar activities as those of Range 2A in the future, for Chatham County to adopt a restrictive and protective ordinance to regulate gun ranges in the county.

Jim Davis, 398 Durham Bailey Lane, Pittsboro, submitted the following comments:

I grew up in a county that had no zoning outside incorporated areas. About two miles away as the crow flies, there was an Izaak Walton skeet shooting club. We could hear the shotguns almost every summer night as the sound made its way over hills and through forests. Although not objectionable at that distance, it was certainly noticeable. They usually finished up by 10pm, but I remember many times hearing the shooting from my bed, since even in summer my bedtime was earlier.

Heavy caliber weapons make much more noise than shotguns, as I know from professional experience. The noise from such weapons will be much louder at the source, and will likely travel much farther than the shotguns I mentioned. I would very much like to make quiet enjoyment of our family home in the county, without the intrusion of neighbors' activities. Therefore, I am in favor of county zoning and a noise control ordinance. I'm a reasonable person who is in favor of land owners being able to do what they want, so long as it's legal and doesn't interfere with my quiet enjoyment. Please approve a noise control ordinance for the county. Thank you.

Cindy Perry, 259 Hillsboro Street, Pittsboro, submitted the following comments:

I speak as a concerned citizen and also as a board member of the Goat House Animal Refuge. First I would like to thank the County Attorney and their staff for the revisions that are before you tonight. They have indeed simplified the ordinance and eliminated many of the requirements, certainly the one to eliminate the sound meter is an excellent recommendation. This was an improvement the Sheriff's Office asked for to simplify their role in the maintenance of this ordinance. However, I see that there is still a major gap in the proposed ordinance. The revised ordinance and the old one required that noise be measured at the corner of the primary structure of the complainant nearest the noise source. But what if I own a five acre tract of land and my home is located in the center of that tract. Why should the offending noise be measured at the corner of my house? Don't I have the right to picnic anywhere on my five acres or be free from the disturbing and frightening noises or a nearby gun range? If I wish to walk my dogs, cut firewood, garden or simply walk around my property I should be able to do so in peace and quiet without fear or disturbance by a neighbor's activities. Yes, as the County Attorney pointed out there is some verbiage in the ordinance that could allow measurement at the boundary of the property but that would require the investigating law enforcement officer to say that they couldn't get a proper reading at the corner of the primary residence. The property boundary should be the point at which noise is measured. Everyone should have what the law calls the quiet enjoyment of their property. I say to you that our property rights do not stop at the corner or the foundation of our primary residences and that they encompass our entire property. Now you all know why I am here. This is a matter dear to the heart of the Goat House Refuge. That is a sanctuary as you well know for neglected and abandoned animals. Let me remind you that those animals do not live at the primary residence of Siglinda Scarpa, the founding member of the Goat House Refuge. They live in a fenced in sanctuary in various buildings including clinics where they are cared for and nurtured and sometimes hospitalized. So when the

shooting range operated just a few feet from the perimeter fencing of the Goat House there was no question but that the volunteers and the animals were all dreadfully frightened by the sounds of gun shots. I would join in Tony's plea for a separate ordinance for the gun range. This is an important issue for anybody with pets and livestock. This is different from occasional music or bad mufflers or periodic air compressors. This has to do with property rights and those are important and they should make no difference between a half acre subdivision lot and a one hundred acre farm. Thank you.

T.C. Hudson, submitted the following comments:

I understand we need a noise ordinance. Things can get out of control without it. But when I first read about it in the paper I saw some problems. This has nothing to do with gun ranges, but as far as places of business and activities you would have out in the country you need to set a decibel level and then you comply with that. Anybody that is trained to operate that with the Sheriff's Department would have that for evidence that you are in violation. Without that it would be easily thrown out of court. It is just up to their discretion. There are other things in the ordinance I think infringe on the agriculture section of the county. 92.05, Item H – Lawnmowers and agriculture equipment used between daylight and 9:00 PM. I'm sure there are farmers that have run all night long to try and harvest crops before rains come. These curfews I don't believe are proper. I spoke with Chief Roberson with the Sheriff's Department about my concerns and he said this whole thing was primarily about shooting ranges and gun noise. I know sometimes there is target practice in my neighborhood and I put up with it. It is their right in my opinion. You are leaving things wide open to not be enforceable. I think decibels should be set and if you violate that you are in violation. I don't think it is right for the sound level meter to not be required.

Siglinda Scarpa, owner of the Goat House Refuge, submitted the following comments:

Thank you for doing this. I am the founder of the Goat House Refuge. I am here because we had very big problems with the shooting range. I really need to know that we are protected. I think that Pittsboro and Chatham County should be absolutely proud of what we are doing and help us and protect us. We have a refuge that is known all over the United States and abroad. People come to visit to see how we take care of the animals. When we had the shooting range functioning, there were up to twenty AK-47's shooting. We could not even talk. The cats had terrible diseases. We spent a large amount of money at the veterinarian. We are considered a business for Chatham County. I applaud what you are doing with the ordinance. I feel we are in a better position but I want to make sure that you consider that if they take the measurement from the corner of my house, that is not the primary building. The primary structure is the refuge. I am the custodian of that place. We have in the refuge six people working. They are employees and the shooting range is at the refuge. If they measured the sound from my house the sound would not be clear because I live upstairs and the sound is very different from the bottom of the house to the top of the house. Also the people that work have the right to be protected. Whatever measurement that should be made should be done by the boundary where the refuge is because that is the main structure. When we had the visit of the Sheriff when I called them they insisted on measuring downstairs at the corner of the house and not from the top of the house or from the refuge. That doesn't represent what the problem is. We have children coming in and we have schools visiting. The time when they were shooting our adoption rate dropped ninety percent. People would

not come and visit the cats and adopt the cats. It is important to us that you are going to be thinking of us as not only a residence but we are a refuge for animals.

The Chairman closed the public hearing.

Vice Chair Cross stated he would like staff to take note of Mr. Hudson's comments that harvesting all night is a real occurrence and you are talking about someone's livelihood. It is most likely on a farm and is probably not going to bother another landowner anyway. He asked for staff to consider making an exception in the ordinance.

Commissioner Howard asked for clarification on the measurement of the sound from the corner of the primary structure. The County Attorney stated a residence is considered the primary structure if there is more than one structure on the property. Commissioner Howard stated this could be a concern for a farm that had horse stables. Vice Chair Cross stated he believed measuring from the property line would work better.

Chairman Crawford asked if an employee can make a complaint on behalf of a business. Mr. Rose stated they can if they are an authorized agent.

Chairman Crawford stated the ordinance would come back to the Board at a later date for adoption. The County Attorney clarified that a second public hearing was not needed.

A motion was made by Vice Chair Cross, seconded by Commissioner Howard, that the measurement of the noise should be made from the property line in closest proximity of the noise source.. The motion carried by the following vote:

Aye: 4 - Chairman Crawford, Vice Chair Cross, Commissioner Hales and Commissioner Howard

BOARD PRIORITIES

[15-1403](#)

Consider Revisions to the Advisory Committee Policy & Addendums

Attachments: [proposed changes to advisory committee policy sept 21 2015](#)
[FINAL Proposed changes Advisory committee policy addendum A sept 2015 corrected](#)

Debra Henzey reviewed the changes in the Advisory Committee Policy.

Vice Chair Cross stated Chairs should be allowed to serve unlimited terms.

Commissioner Howard brought up abstaining from voting in committees. Would like language about what it means to abstain from a vote.

Ms. Henzey reviewed the changes on the Advisory Committee Addendums.

Commissioner Hales stated the Board will need to add the Climate Change Committee.

Approved by consent.

MANAGER' S REPORTS

The County Manager, Charlie Horne, stated the trailhead at New Hope Church Road will be dedicated on October 17, 2015 and the entire Board is invited. Staff will send the agenda and time of the event when they become available.

Mr. Horne stated the letters for well testing were sent out and there were 7 responses. They are preparing those kits now. Staff is still working on securing an air quality monitoring consultant.

Mr. Horne stated October 30, 2015 will be his last day with Chatham County. He stated he is retiring and it has been a great pleasure to serve but it is time to move on. Chairman Crawford stated the news was surprising. Mr. Horne stated the County has a great team and there are people who can lead with continuity and he supports them one hundred percent.

Chairman Crawford stated he could not have done anything this year without Mr. Horne and the help he has given Mr. Crawford personally and to the Board. He wished Mr. Horne good luck in his retirement. Mr. Horne stated he was excited to leave on the one hand but was reluctant to leave on the other. He thanked the Board for giving him the opportunity to serve.

Vice Chair Cross thanked Mr. Horne for his many years of great service to the County and to the Board.

COMMISSIONERS' REPORTS

Commissioner Hales attended a Jordan Lake Partnership meeting in August and she was wondering if staff was aware that there is \$437,000 anticipated cost to look at interconnections in the Lake Jordan Partnership and to do a hydraulic model of the entire region. She wanted to know if this was news to Chatham County. The County Manager stated he can say with certainty that the County has been doing the modeling issue for some time for interconnectivity. Commissioner Hales stated she was curious if the money was new money that had to be split out among the partners. The County Manager stated he was not aware of that but staff could certainly look into it.

Commissioner Hales stated she has had a couple of calls from new people moving into the County who want to know where the County Government building is located. There is no sign coming from the north. There is nothing that indicates the Annex is a County building. She believes it would be beneficial to have a sign that says "Chatham County Government".

ADJOURNMENT

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

Aye: 4 - Chairman Crawford, Vice Chair Cross, Commissioner Hales and Commissioner Howard