



Chatham County, NC

Meeting Minutes Board of Commissioners

Monday, October 19, 2015

6:00 PM

Historic Courthouse Courtroom

Rollcall

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

Work Session - 2:00 PM - Historic Courthouse Courtroom

PUBLIC INPUT SESSION

There was no one present who wished to speak.

BOARD PRIORITIES

[15-1448](#)

Discussion on Coal Ash Site Air Monitoring

Dan LaMontagne, Public Works and Environmental Quality Director, stated the County has a contract with Smith Gardner and Associates to do coal ash monitoring along Moncure Flatwood Road. He will be going with them tomorrow to do a baseline sampling. They will collect an additional sample after the hauling of coal ash begins. They will collect a particulate sample and test it for some of the target compounds to determine if it is coal ash which includes arsenic, lead, mercury, selenium, aluminum, barium and boron. They will do a report that Mr. LaMontagne will bring back to the Board.

Commissioner Hales asked if the firm is going to install a monitor or are they just going to do an air capture. Mr. LaMontagne stated it would be an 8 hour air sampling captured on a sticky membrane. Commissioner Hales asked how many captures would be done. Mr. LaMontagne stated it depends on what the tests find.

Commissioner Hales asked if as an option samples could be captured on the route of the trucks. Mr. LaMontagne stated the testing will be done along a stretch of Moncure Flatwood Road where the trucks are up to speed.

Vice Chair Cross stated there is a possibility there won't be any trucks there because it will be delivered by rail.

Commissioner Howard clarified the baseline test is over an 8 hour period and the follow-up testing is over a full 8 hour day as well.

The County Manager stated he received a call this afternoon that the coal ash would likely start coming in this week by truck.

Commissioner Howard asked if coal ash is not found with the testing, will there be subsequent testing. Mr. LaMontagne stated that has yet to be determined. The Board can certainly test as many times as it wishes.

[15-1444](#)

Building update from Chatham Trades.

Attachments: [Chatham Trades Presentation](#)

Shawn Poe, Executive Director of Chatham Trades, gave the Board an Update on the building needs of the organization.

Ms. Poe stated Chatham Trades is currently serving 38 adults with disabilities; fourteen through the Cardinal Innovations Waiver and twenty-four through State ADVP funds. There is a wait list of twenty-six people. They have been approved to provide a respite program for current consumers of Cardinal Innovations. This will be a day program of leisure activity only, no vocational component. They are unable to provide at this time due to required space for the program. Chatham Trades would like to establish an adult day care component primarily to serve students from the Exceptional Children's programs that are forced to leave high school due to age requirement. They are working with DSS and former Chatham County Schools' employees to create this. Again, space is the issue.

Ms. Poe stated they will not be able to collaborate with CORA next year for the SNACK program due to safety and space limitations. Net profit for this program was \$2,461.

Current customers

- ARC/Ingersoll-Rand Company
- Brookwood Farms
- Cardinal Innovations- ADVP
- Cardinal Innovations- Innovations
- Chatham County
- Chatham County Literacy Council
- CORA Food Pantry
- Expert Hosiery
- First United Methodist Church Fuel-Up
- NordFab
- Striper Sniper
- West Chatham Food Pantry
- Wood Technology

Chatham Trades has declined assembly work from Acme McCrary and Moen and are limiting pursuit of new work due to lack of storage and production space.

Financial

- Preliminary Profit and Loss statements indicate that they will end the fiscal year +62,000.
 - This is a dramatic improvement since January 2013.
 - FY12 -\$85,885
 - FY13 -\$13,776
 - FY14 +\$ 6,149
 - FY15 +\$62,000 (Projected)
- Production sales up 86.7% from
- FY12 \$ 87,812
 - FY 13 \$ 68,013 (-22.6%)

- FY14 \$126,968 (+86.7%)
- FY15 \$148,914 (-17.3%)
- FY16 \$ 67,918 as of today

Ms. Poe stated space continues to be an issue. Currently everyone is under one roof. They are utilizing the lower building for storage to increase floor space and integration of consumers. They are at maximum capacity and need to expand in order to serve more disabled citizens of Chatham County and in order to bring in more production work for training.

Ms. Poe stated they are continuing their search for a building. They have located properties for sale, the old Hart Furniture warehouses on Highway 64 in Siler City, behind O'Reilly's Auto Parts and Hometown Gun Shop. There are 3 buildings and approximately 12.54 acres of land available for an asking price of \$1,825,504.

- 22,500 Square Feet
- 31,500 Square Feet
- 40,500 Square Feet

Ms. Poe stated they are interested in the 31,500 Square Foot building. The seller will only sell this as a complete parcel. She will not break it up. Obviously, due to Chatham Trade's financial position, they are unable to make this purchase. If the property could be obtained, Ms. Poe's vision would be to up fit and occupy the 31,500 sq. ft. building; make the 22,500 sq. ft. building a "Non-Profit Center", potentially housing the West Chatham Food Pantry, Chatham Cares Pharmacy, W.E.C.A.H .N. (formerly known as Chatham Social Health Council), Salvation Army and Chatham Literacy as well as others. They have collaborated and as Executive Directors, feel that the one-stop concept would be beneficial in providing services. The 40,500 sq. ft. building would be available to market for industrial use. These properties are currently zoned Highway Commercial.

Ms. Poe recognized Taylor Hobbs with Hobbs Architects and Charles Havens with BAR Construction for a technical presentation. She thanked the Board for its interest and support of Chatham Trades and the disabled citizens of this county. Together they do make a difference in 38 lives every day.

Mr. Hobbs presented a PowerPoint Presentation on how Chatham Trades would occupy the Hart Furniture site. (Presentation attached).

Mr. Hobbs stated they have looked at two options. Option number one is the current Chatham Trades' site. There would be a proposed addition of 22,000 square feet in the rear of the facility, a demo of a small building, and grading and significant site work. The new square footage would be around 30,000 square feet. The total estimated cost would be \$1,507,000.00.

Option number two is the Hart's Furniture site's 31,000 square foot building. There will be some site work including some grading and some exterior improvements but relatively minor compared to the existing location. The up fit cost would include all new office interiors, new HVAC, and refurbishing the warehouse area. The total estimated cost is \$1,234,000.00.

Commissioner Petty clarified option number two is just for prepping that one building, not the other two on site.

Renee Paschal, Assistant County Manager, stated option number two does not include the cost of purchasing the building.

Commissioner Hales recently visited Chatham Trades and saw how crowded it is. She has visited the proposed site and was impressed by the amount of loading docks, which Chatham Trades doesn't currently have.

Mr. Hobbs stated the proposed site has a sprinkler system.

Commissioner Howard asked if this type of facility would allow Chatham Trades to meet some of the needs they are facing.

Ms. Poe stated it would allow them to get people off of their waitlist and continue the SNACK program for CORA.

Commissioner Howard asked if in the new building Chatham Trades would be able to address adult daycare. Ms. Poe stated yes.

Chairman Crawford asked if operations would be interrupted if they went with Option number one. Ms. Poe stated it would be disrupted some. She stated they would have to rent a facility somewhere else when they dismantled the second building.

There will also be a problem in the future with tractor trailers pulling in and out of the building. They will not be able to turn around but will have to back out due to the road being closed off by the neighbor.

Vice Chair Cross asked if Brookwood Farms is still interested in buying the Chatham Trades property. Ms. Poe stated there may be interest.

Commissioner Petty believes option number two sounds like a better layout. Several months ago he had a business owner interested in the site but he didn't want to buy the entire site. He might be interested in buying the whole site if he knew he had tenants for the other buildings.

Commissioner Howard stated the County may want to be the seller and that needs to be determined.

Ms. Paschal suggested staff work with Chatham Trades on a proposal and come back to the Board.

There will be an update from the staff at the November 2, 2015 meeting.

15-1433

Discussion of Annex Facade Improvements.

Renee Paschal stated the west side annex building renovations are scheduled to proceed as soon as the Agriculture Center is open. The CIP is in the works and staff will be bringing it to the Board on November 2, 2015. However, a lot of the conceptual plans of downtown Pittsboro have a park in the location of the annex building. Staff is mindful of how the building looks and they have been in discussions with Hobbs Architects about doing some façade improvements to make the space prettier. Staff had planned to have Taylor Hobbs do renderings of what it would look like and present those at the CIP. The cost for the renderings is \$1500.00 and that money can be taken out of the annex capital project. Ms. Paschal wanted to check with the Board that it still wants improving the annex façade as an option before they go forward with the renderings.

Mr. Hobbs described some of the possible options for the annex façade improvements.

Commissioner Howard asked about signage. Mr. Hobbs stated they could incorporate signage into the renderings. Ms. Paschal stated they have asked for temporary signage in the front of the building.

Chairman Crawford asked if the county needed to be thinking about a new building all together.

There was discussion on the cost of a new building.

The Board agreed to go forward with the renderings.

15-1438

Discuss recent legislation amending local authority to accept subdivision performance guarantees.

Attachments: [School of Government Bulletin and Legislation](#)

Jason Sullivan, Planning Director, gave an update on HB 721, amending local authority to accept subdivision performance guarantees.

Mr. Sullivan stated currently local governments can accept financial guarantees in lieu of completion of all the infrastructure required for final plat approval. The majority of the developers in Chatham County use this option and it has been a part of the subdivision regulations for a number of years. There are currently over forty financial guarantees totaling over eleven million dollars. It covers the cost of completion of the project but it also covers additional work the County would have to contract, such as hiring engineers, project managers, and additional legal fees. Currently the engineer for the project will provide a cost estimate to the County at the time of final plat submittal and there is an overage added to that in the amount of 140% or 150% depending on when the project was approved. The reason for that difference is because projects approved prior to 2008 fall under the pre-2008 subdivision regulations, which is the majority of County projects, including Briar Chapel. Once they complete up to 40% of the improvements they can submit the final plat and show the remaining balance and the cost estimate is 140% of the project. Everything since 2008 requires that 75% of the project be complete and then the financial guarantee is in the amount of 150%. Those are reviewed by the County Attorney and have to be reviewed every two years. Every two years there is a contract tied to the financial guarantee and the developer has to let the County know if they want to expand it, reduce it or whether or not they are complete with the project. Also in 2008 the County had a major overhaul of the subdivision regulations and in addition to increasing the percent of the project that had to be completed, the County also implemented a road maintenance bond to cover NCDOT roads. If the County has a financial guarantee, the County releases the guarantee when the developer completes the project but in the interim the DOT may not be able to take over the road for maintenance because they require that at least two occupied dwellings for one tenth of a mile of road be established. The road maintenance bond covers this time period.

Mr. Sullivan stated HB 721 takes the 140% - 150% overage and caps it at 125%. Where the County now has some flexibility in the type of financial guarantee accepted by the County Attorney, the legislation outlines three provisions for financial guarantees. As long as the developer is meeting the requirements of the legislation, the County doesn't have a say in the type of financial guarantee. Currently the county holds performance bonds, letters of credit and cash. There may be other forms of guarantees offered under the new legislation and the County would not have

a say in whether or not that is accepted, it would have to be accepted. The third major impact of the legislation is the performance guarantees can only be used for completion of infrastructure so the requirement for the road maintenance bond is no longer valid.

Mr. Sullivan stated the reason this item is before the Board today is for it to consider the revisions that are going to need to be made to the subdivision regulations. He has outlined a few options. The financial guarantees are an option. The County does not have to offer financial guarantees. The County can require all infrastructure be in place prior to final plat approval. The County can also limit the types of infrastructure that are covered.

Mr. Sullivan stated staff does need direction on how to proceed. There does not have to be a decision today. He has spoken with Adam Lovelady at the School of Government and the County Attorney and the 125% is effective immediately. The County has three financial guarantees in the works right now and they are advising the developer that the guarantee has to be at 125%. The developers the County has been working with so far are not aware of the change in the legislation. Mr. Sullivan stated once staff receives direction from the Board staff will prepare the language and hold the public hearing. They will revise the subdivision regulations and for the pre-2008 regulations there may have to be some kind of policy adopted to address those guarantees.

Commissioner Howard asked if guarantees are retroactive. Mr. Sullivan stated the bill is effective October 1, 2015. Any renewals that come in will have to be changed but all current guarantees are valid.

Commissioner Hales asked if the County has people using things other than security bonds and letters of credits. Mr. Sullivan stated currently the County only holds performance bonds, letters of credit and cash.

Mr. Sullivan stated if the Board does not want to offer the financial guarantees anymore the project would have to be complete. If the developer defaults on the project and walks away the County has this money available to finish the project. It covers a two year window. The hope is the 140% to 150% covers the completion of the project. With the new 125%, if it doesn't cover the cost of completion, in theory the County can do what it can with the money it has and then walk away from the project but Mr. Sullivan believes there is some expectation the County is going to complete the project.

Jim Elza, member of the Planning Board, stated the County cannot walk away from a project. If the County takes the bond it allows the final plat to be recorded and lots to sold. He has been in this situation before where a developer walked and the bond expired. They had to go after the developer's house to get the money. The people who build the house on the street that the County has allowed the final plat want the street. It is that simple. It is normal process for the County to take these bonds and allow the subdivision to go on. The one thing that happens is 125% isn't so bad if the County doesn't allow the developer to post the bond until later in the process. The Board may have to consider 75% completion. The County needs to make sure that the bond covers what is left to be done.

Staff will bring this item back to the Board at the November 16, 2015 Meeting.

[15-1441](#)

Discuss Chatham Arts using space in the Performance Building.

Commissioner Howard stated Chatham Arts would like to use the County's space

designated for the Commissioners in the Performance Building. She stated the goal is to bring the Arts Council closer to the EDC and provide them with some space that is more in line with their ability to pay rent. They currently pay \$480 a month for 6 hours a day twice a week. The space in the Performance Building is close to the EDC and the Tourism office, which would be helpful going forward.

Vice Chair Cross asked how many people would be using the space. Commissioner Howard stated usually one person. There is one full time employee and one part time person.

Vice Chair Cross stated there is the Water Department directly across the hall and there has been concern about interference with the that department.

Commissioner Howard stated there is no problem from the EDC's perspective.

Commissioner Petty stated there are sometimes confidential conversations between water customers and the employees of the water department and that area is directly across from this space.

Ms. Paschal stated the County may be using the office temporarily for the new Agriculture Center employee. She will check on that.

Commissioner Petty asked if there has been any discussion about what fee would be charged. Commissioner Howard was hoping it would be a nominal fee that would cover their utilities.

Commissioner Petty asked if the County has rented space to other nonprofits. Ms. Paschal stated the County rents space to CORA.

The Board agreed to table the discussion to the November 16, 2015 BOC Meeting to give Ms. Paschal time to determine if anyone else is using the space.

This Agenda Item was tabled to the November 2, 2015 Board of Commissioners Meeting.

15-1423

Vote on a request to approve the Nonprofit Allocation Process FY 2017

Attachments: [Chatham County Nonprofit Agency Funding Policy Revised June 2015](#)
[Collaborative grant pilot program](#)

Lisa West, Budget Analyst, recommended keeping the \$233,000 for non-profit funding in the budget for FY 2017, however, she recommended taking out \$10,000 of that money to put toward a collaborative grant with the Triangle Community Foundation and Chatham United Way who would each also give \$10,000 for a total grant of \$30,000. The grant would address some of the issues the Board discussed at the Affordable Housing Retreat. The grant would be for two agencies partnering together. The anchor would be one of the affordable housing issues discussed at the retreat. This would be a pilot program.

Ms. West asked the Board for direction on how it would like to proceed with funding for arts and culture for FY 2017. For the current fiscal year \$5,000 was set aside and the grant was going to come through the EDC. During the budget process an additional \$30,000 was allocated. Commissioner Howard stated she would like for the Arts Council to be able to use more discretion with the funding. Ms. Paschal

stated the County has to have a contract with the agency that spells out how the funds will be used. Ms. West asked if the money would be again primarily directed at Chatham Arts or would it be opened up to other arts agencies. Commissioner Howard believes that the Arts Council supports other artists and it makes sense to give them the money so that they can continue supporting those artists and art agencies. The Board agreed the money should go through the EDC again in FY 2017.

A motion was made by Commissioner Hales, seconded by Vice Chair Cross, to set the total amount of nonprofit funding for FY 2017 at \$233,000 and to allocate \$10,000 of that money toward the collaborative grant pilot program with the United Way of Chatham County and the Triangle Community Foundation. The motion carried by the following vote:

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

A motion was made by Commissioner Howard, seconded by Commissioner Hales, provide \$35,000 to fund the Chatham Arts Council with the funds being managed through the EDC.. The motion carried by the following vote:

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

15-1410

Vote on At-Large Appointments to Comprehensive Plan Steering Committee

Debra Henzey reviewed the applicants for the At Large Appointments for the Comprehensive Plan Steering Committee.

Commissioner Petty stated he would like to consider Herbert Gaines, John Bailey, Ronnie Vaughn, Whitney Schmidt, and Jon Spoon.

Commissioner Howard stated she would like to consider Sharon Garbutt, Jim Elza, John Graybeal, and Del Turner.

Commissioner Hales stated she would like to consider Del Turner, Sharon Garbutt, Jim Elza, and John Graybeal.

Vice Chair Cross stated he would like to consider Sharon Garbutt and John Bailey.

After some discussion the slate presented was John Bailey, Sharon Garbutt, Jim Elza, and Del Turner.

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

Aye: 3 - Chairman Crawford, Commissioner Hales and Commissioner Howard

No: 2 - Vice Chair Cross and Commissioner Petty

15-1449

Vote on a request to approve recommendation from the Comprehensive Plan Selection Committee to award the Chatham County Comprehensive Plan contract to LandDesign. Request for an approval of contract award and authorize the County Manager to execute all contracts and change orders associated with the project.

Attachments: [1015290_ChathamCountyCompPlan](#)
 [Comp Plan Presentation](#)

Hillary Pace, Planner, presented a PowerPoint Presentation on the recommendation for the Comprehensive Plan Consultant. (Presentation Attached)

Meg Nealon with LandDesign introduced herself and the company to the Board.

A motion was made by Vice Chair Cross, seconded by Commissioner Howard, to award the Chatham County Comprehensive Land Contract to LandDesign. The motion carried by the following vote:

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

CLOSED SESSION

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

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

15-1440

Closed Session to discuss personnel, land acquisition and matters within the attorney/client privilege.

A motion was made by Vice Chair Cross, seconded by Commissioner Howard, to go out of the Work Session and convene in Closed Session for the purpose of discussing personnel, land acquisition and 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 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 Howard, seconded by Vice Chair Cross, 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

15-1442

Vote on a request to approve the September 21, 2015 Work and Regular Session Minutes, the October 1, 2015 Affordable Housing Retreat Minutes, and the October 8, 2015 Affordable Housing Retreat Minutes.

Attachments: [Draft Minutes 09.21.2015](#)
 [Draft Minutes 10.01.2015](#)
 [Draft Minutes 10.08.2015](#)

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

15-1419

Vote to approve Fiscal Year 2015-2016 Budget Amendments

Attachments: [Budget Amendment 2015-2016](#)

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

15-1426

Vote on a Request to Approve a Pyrotechnics Display at the Bennett Baptist Church, 68 E. Bonlee Street, Bennett, NC 27208, on October 24, 2015

Attachments: [Attachment A-G.S. 14-410 G.S. 14-413.pdf](#)
 [Attachment B- Pyrotechnic Request Letter.pdf](#)
 [Attachment C-Pyrotechnic Display Operators License.pdf](#)
 [Attachment D-Certificate of Insurance.pdf](#)
 [Attachment E-ATF License-Permit.pdf](#)
 [Attachment F-Display Area Map with Measurements.pdf](#)

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

[15-1427](#)

Vote on a request to approve Michael Poe, Complete Development, LLC, for a twenty-four (24) month extension of the preliminary plat approval for Cattail Creek Subdivision to extend the expiration date from November 15, 2015 to November 15, 2017 for the balance of the project consisting of 21 lots, located off S. R. 1506, White Smith Road, Hadley Township, Parcel #60065.

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

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

[15-1428](#)

Vote on a request to approve F-L Legacy Owner, LLC for subdivision final plat approval of The Legacy at Jordan Lake, Phase 4A1, consisting of 32 residential lots plus a Lift Station Lot, located off S. R. 1716, Big Woods Road, Williams Township, parcel #17378.

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

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

[15-1431](#)

Vote on a request to appoint Dr. Lewis N. Lampiris DDS, MPH to fill the vacant Dentist Seat on the Board effective 11-1-15.

Attachments: [Dr. Lewis N. Lampiris Application](#)

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

[15-1436](#)

Vote on a request to approve the appointment to the Chatham County Board of Social Services

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

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

[15-1432](#)

Vote on a request to approve the Tax Releases and Refunds

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

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

[15-1434](#)

Vote on a request to approve a competitive bid exemption for "sole source", and award the purchase contract to Lawmen's Safety Supply.

Attachments: [Taser Sole Source NC Lawmen's Safety Supply 09-08-15](#)
[NCGS 143-129-e-6](#)

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

[15-1439](#)

Vote On A Request To Adopt A Resolution Approving The Addition Of Streets in the Valley View Subdivision to the North Carolina System of Secondary Roads

Attachments: [Valley View Subdivision Resolution](#)
[2015 09 17 Resolution Request Letter Signed](#)

A motion was made by Commissioner Howard, seconded by Vice Chair Cross, that Resolution #2015-40 Approving the Addition of Streets in the Valley View 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: 5 - Chairman Crawford, Vice Chair Cross, Commissioner Hales, Commissioner Howard and Commissioner Petty

End of Consent Agenda

PUBLIC INPUT SESSION

Wendy Dufour, submitted the following comments:

My name is Wendy Dufour. I live in Hadley Township and I own a business in Pittsboro. I am very happy to be here this evening to commend the fine work of the planning board and to encourage you to follow their recommendations. About this time last year, I spoke before the Commissioners when my neighbors and I were very concerned about noise and safety issues coming from a newly created gun range. Many families were affected and the vast majority of property owners joined together to petition that the range not be allowed to operate. We are a very diverse community and many of us are gun owners and users, but we were opposed to the blatant disruption of our lives. Our only recourse was through the county's noise ordinance and I appreciate the efforts made to make the noise ordinance easier to use. I'm happy to say that the owner of the gun range seems to be looking for other uses for his property, so hopefully we will not have our lives disrupted again in the future. However, a similar situation could occur elsewhere in the county and we want to make sure that other neighborhoods don't have to go through the same ordeal.

The planning board has spent the last months tackling this issue as well as others and I have been very impressed with the democratic means by which it has moved forward. Numerous meetings with many citizens expressing their opinions, negotiations, and a spirit of give and take have resulted in new recommendations for the county as it changes and grows. I would encourage you to embrace the Planning Board's recommendations as a product of true democracy in action, and I would ask that you draft and adopt a gun range ordinance to protect the citizens of Chatham county. Thank you very much for your hard work on the many issues that affect the citizens of our county.

Heather Johnson, 278 Hillsboro Street, submitted the following comments:

I'm addressing you on behalf of the Pittsboro Association. We are involved in several activities this Christmas shopping season in anticipation of really bringing a lot of folks into Pittsboro. We hope that you enjoy the fall scene we have in front of the Courthouse. That is on behalf of the Pittsboro Business Association. Specifically I would like to address our newest project which we had invested \$4,000 of the Pittsboro Business Association money and we have named it Pittsboro Holly Days. We envision Pittsboro Holly Days as a series of events that would bring Chatham residents and folks from beyond Chatham in to Pittsboro every weekend from November 22, 2015 through Christmas and hopefully after that. The reason why I need to speak with you tonight is because we have a couple of requests. The first is that we have already cleared placing a live Christmas tree at the foot of the courthouse with the County Manager. We are working with the other public utilities with the County to rig it up safely. It will be about 15 feet tall and we are calling it the Pittsboro Holly Day tree. It will be erected on the 19th of November and hopefully through the New Year. This will involve many fun things to include Pittsboro Elementary School students who will sing songs and music groups from Northwood High School and Horton Middle School, Siler City, North Chatham, Pollard Middle School. We are coordinating closely with the Pittsboro Police Department to make this a safe event. We respectfully request the donation of the use of the courthouse for two reasons. One is that Santa AI will be receiving children before the grand lighting of the tree. We would like a safe place for him to do that and we were hoping that the foyer would provide that for us. The second is that perhaps the balcony would be a good location for our school choirs. We are not going to be able to close Hillsboro Street this year but it is something we might be able to anticipate next year. The second request is the brainchild of Greg and Maria Lewis from the Roadhouse which is on December 19, 2015 called Santa on Trial. The whole entire Clerk's Office is excited about this prospect. Santa AI has already agreed to be the Santa. We've got volunteers from the Chatham County Bar Association, from the Clerk's Office, and so we want the money and for people to donate canned goods to CORA during this event. We understand it is a huge responsibility and a huge request for us to ask for the use of this precious building, that we cannot have water in here that we have to take good care of it. We can tell you that we would but that is where we are with it. The whole intent is that we are bringing folks in every weekend in to Pittsboro this Christmas season. The trial would include actors, Judge Baddour, lawyers from the bar association and students.

Commissioner Hales stated it sounds like some interesting plans. She would recommend that the County see what it can do to have this occur.

The County Manager stated the County generally requires a deposit for potential damages and security. While they have a great idea, if the County waives what the normal deposit process is then the potential is for everybody who is a nonprofit to

come to the Board and do the same. If the Board waives it here, where does it not waive it in the future.

Ms. Johnson stated they could meet the deposit requirement if it would be refunded.

Commissioner Howard asked what the deposit is.

The Clerk stated there are typically a \$200 deposit and a \$200 nonrefundable fee and a requirement to hire a deputy through the Sheriff's Department and the expense of that falls on the renter.

The County Manager suggested letting staff come back with some guidelines for the Board to consider.

Ms. Johnson stated they would like the use of the balcony, the public restrooms, and the foyer downstairs.

The Clerk also stated the balcony has a fire code only allowing seventeen people at a time.

The Board agreed to let staff work on some guidelines and Ms. Johnson stated she would stay in communication.

Genevieve Megginson, Executive Director of Partnership for Children, submitted the following comments:

Good evening, I am Genevieve Megginson, Executive Director for Chatham County Partnership for Children, a fully qualified nonprofit organization leading early childhood initiatives since 1994, including Smart Start and the NC Pre-Kindergarten programs funded by the state of NC. Child Care Networks, another local nonprofit has been a close partner in our child care quality and early literacy efforts. I am here tonight to speak about the young children of Chatham County who are the focus of our shared mission.

Chatham County has about 3700 children under the age of 5, 2600 are estimated to need child care but we only have about 1700 regulated child care spaces in Chatham County. Child Care in Chatham County costs on average \$600.00 per month per child. A family would need an income of over \$59,000 for this amount to be less than 10% of their gross income, the point beyond which research shows parents have to make choices that are not healthy for their children, like working a second job, or not purchasing health insurance, or sharing a house with another family to reduce rent costs. The problem that poor families have faced for many years is becoming a real challenge for our middle class given the median family income in Chatham of \$57,091.

Child care in America today costs more than a college education. Young families face this expense when they are least prepared and least able to bear the burden; families at least have 18 years to prepare for college. Smart Start aims to improve the quality of child care for all children and support families in raising their children. We all need strong families and children; they are our future after all. Child Care teachers in America today are generally paid less than dog trainers. Chatham County has many dedicated child care providers; 17 child care centers plus 8 public preschool sites and 27 family child care homes. These local business and individuals have partnered with our Smart Start effort and worked tirelessly to improve the quality of the child care they provide. Together we have achieved remarkable success because today 88% of

the children attending child care are in 4 or 5 star rated facilities, the top ratings by the NC Child Care Licensing regulations. When we began our efforts in 1994 the average child care teacher salary was about \$9.00 per hour, today it is still less than \$12.00 per hour. I believe that is a net loss when you factor inflation. In 1994 child care workers only had to have a high school education. Today most of our teachers meet higher education requirements, having at least some college education in order to meet the 4 or 5 star rating.

Child Care is not a choice in today's world and a quality early childhood education is what every child deserves and what we need every child to have for our future success and theirs. Our children are part of the common good and quality Child Care is necessary for the common good. We need working families at all economic levels. We need our children to have the best possible early education so that they enter kindergarten ready for success.

Chatham County is at a pivotal juncture as we approach a time of great growth. We are making decisions today that will frame the future of our community for our children. 20 years from now, it is our youngest children today who will be living and working in Chatham County. Our youngest children should be at the top of the list of every discussion and every policy decision regarding the development of our community. The Partnership for Children is at your service and we look forward to working with you to ensure a bright future for all our children. Thank you for your service to Chatham County.

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

I am here to thank you for what you are doing with the Planning Board. I totally support what Wendy Dufour said. I only want to stress how dangerous it is to have a shooting range close to where people work and live. One of our cats was shot with a bullet and we think that, I spoke with many people that are experts on that and they said that the bullet was probably a stray bullet because it broke in two parts and one part went into the elbow of the cat and the other part in the side of the cat. We have children, schools coming there. A few days ago we had fourteen children there. They started shooting next to us. I really think that you really have to think hard and really work hard on not having shooting ranges in areas where people live and work. Thank you.

15-1455

Resolution Honoring County Manager Charlie Horne

Attachments: [resolution honoring charlie horne](#)

The Chairman read the resolution into the record. The Chairman presented the resolution to County Manager, Charlie Horne and the two posed for pictures.

Mr. Horne stated it was an honor to have served twenty years in Chatham County and thirty years in public service. He is grateful to have served with the many different Boards and to be a part of public service. It is a challenging job and he is thankful to have had the privilege of working with the staff.

A motion was made by Vice Chair Cross, seconded by Commissioner Petty, that Resolution #2015-41 Honoring County Manager Charlie Horne's Extraordinary Service, attached hereto and by reference made a part hereof, approved. The motion carried by the following vote:

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

PUBLIC HEARINGS

15-1446

Hold a public hearing to permanently close a portion of Jack Bennett Road Right of Way as a result of NCDOT Condemnation for Safety Realignment and adopt an ordinance permanently closing said portion of right of way as described within exhibit A of attached Ordinance.

Attachments: [Jack Bennett Road Closure Ordinance 19Oct15](#)
[RESOLUTION OF INTENT Revised 2015 10 19](#)
[Westfall Jack Bennett RW Exhibit_REV1](#)

Hillary Pace, Planner, stated the applicant's attorney was charged with meeting the statutory notification requirements for closing the road and did not publish the newspaper the notice for this hearing. There will be no public input tonight. Staff requests that the Board adopts a Resolution of Intent to Set the Public Hearing for November 16, 2015.

A motion was made by Vice Chair Cross, seconded by Commissioner Howard, that Resolution #2015-42 of Intent to Permanently Close an Abandoned Jack Bennett Road Right Away and Set a Public Hearing for November 16, 2015, 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

15-1437

Legislative Public Hearing Rezoning Request by Par 5 Development Group, LLC for Parcel No. 78290, being all of 14.23 acres, located at 7733 Moncure Pittsboro Rd., Haw River Township, from R-1 Residential to NB Neighborhood Business.

Attachments: [More information from Planning Department website](#)

Angela Birchett, Zoning Administrator, reviewed the specifics of the request.

Scott Brown, applicant, spoke on the rezoning. Mr. Brown stated he worked with the Economic Development Corporation and they did a study of general retail in the area that is similar to what Mr. Brown is proposing. There is currently a demand of forty million dollars for retail business. Of that demand only twenty-one million dollars is being met. That leaves a gap of nineteen million dollars that people in the area have to go elsewhere for. They would like to be rezoned to help address this gap and keep that money in Chatham County.

Commissioner Hales asked if a traffic study was done. Mr. Brown stated DOT said a traffic study was not required. They will be providing a left and right turn lane to the site.

Commissioner Crawford asked if there will be a single entry and exit to the site. Mr. Brown stated it would be a single standard commercial driveway.

Commissioner Hales asked if this rezoning would allow for more than one business. Ms. Birchett stated the Neighborhood Business description allows for no one building being larger than 40,000 square feet. An example would be an anchor grocery store. Cumulatively there cannot be more than 160,000 square feet and she does not think this lot will support it due to impervious surface but there can be multiple buildings.

Commissioner Howard if there are residences adjacent to this site. Mr. Brown stated there are residences across the street.

Commissioner Hales asked when construction might start. Mr. Brown stated spring of 2016.

The Chair opened up the hearing for public comments.

Mary Ann Perkins lives in the Brickhaven community about seven or eight miles from the rezoning request. She read the proposal and was pleased to see there is a possibility of a Dollar General Store. It would improve the retail in the area. People in her area of the County have to travel to Pittsboro or Sanford to shop for that type of store. This type of store is accessed by all populations, young to senior and lower to higher incomes. She believes this rezoning would be a positive for the community especially with the stress coal ash has placed on the community. She was also glad to hear the applicant considered the safety issues and the turn lanes. She hopes the Board will approve the request.

Harold Taylor is a property owner on same street as the proposed site. He is concerned adding the turn lane may require taking up part of his property. Chairman Crawford stated it should not exceed the easement. Vice Chair Cross stated anything that is done to the road will be done on the applicant's side of the highway. Mr. Taylor had questions about how the turn lanes would work. Chairman Crawford explained there would be a left and right turn lane. Vice Chair Cross stated it would be similar to the turn lanes at the Uniboard Plant. Mr. Taylor asked if the speed limit would change in that area. Vice Chair Cross stated it is very unlikely the speed limit would change.

Janet Nicholson stated her mother lives next door to an adjoining property owner of the proposed site. She would like to know if the property taxes will go up. Chairman Crawford stated her mother's property taxes would not go up. Vice Chair Cross explained the revaluation process that is currently underway.

The Chairman closed the hearing.

This Agenda Item was referred to the Planning Board.

BOARD PRIORITIES

[15-1445](#)

Discussion on requested changes to Noise Ordinance

Attachments: [2015 DRAFT NOISE ORDINANCE MARKED WITH 09-21-15 BOC CHANGES](#)

Jep Rose, County Attorney, reviewed changes made to the Noise Ordinance since the September 21, 2015 Board of Commissioners meeting.

Commissioner Hales stated she had a question about Section 92.05, exception N and Range 2A. In the new law, which became effective July 1, 2015, the date of 1997 has been eliminated and language has been replaced stating that a range must

have been in compliance with the noise ordinance that applied to the range at the time the range began operation. She asked if Range 2A was in operation under the old ordinance which had the measurement by sound meter, would this new ordinance apply? Mr. Rose stated his understanding is the range is no longer in operation. He believes if it ceased operation it would have to comply with the new law.

There was discussion as to whether or not Range 2A was still in operation.

Siglinda Scarpa stated the silent partner of the shooting range came to visit her to ask her if she would approve of their new ideas. He told her they had a license and she would like to know who gave them the license and what kind of license it is. He said the license was expiring shortly. Commissioner Hales stated the County does not issue licenses. Chairman Crawford asked Ms. Scarpa to ask the gentleman to bring the license to the Board so it could look at it.

Commissioner Hales stated she had a concern about section 92.07. She asked if the County received a permit for Shakori Hills when they have an event. She wanted to know if it was something new they would have to do or if they had been doing it all along. Staff stated they already get permits for their events.

Mr. Rose stated it is important to note this is not an ordinance directed at Range 2A or any other specific group. It is a county wide ordinance.

Commissioner Petty asked to clarify why he was voting against the ordinance. He stated there is a need for a noise ordinance but he believes it is loosely written. The burden of proof is on who the complaint is against and there is no way to quantify where they're actually within or outside the decibel range.

A motion was made by Vice Chair Cross, seconded by Commissioner Howard, that this Ordinance, 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

No: 1 - Commissioner Petty

[15-1456](#)

Appointment of Renee Paschal as County Manager

A motion was made by Vice Chair Cross, seconded by Commissioner Petty, to appoint Renee Paschal as County Manager effective November 1, 2015.

Ms. Paschal stated she accepts the position and is honored and appreciative of the Board's confidence in her. She stated she will do her best to live up to the Board's faith in her.

A motion was made by Vice Chair Cross, seconded by Commissioner Petty, to appoint Renee Paschal as County Manager effective November 1, 2015. The motion carried by the following vote:

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

MANAGER' S REPORTS

The County Manager stated again what a privilege it has been to serve Chatham County and to work with the board and the staff.

COMMISSIONERS' REPORTS

Vice Chair Cross stated he is very proud of the Board's decision to offer the County Manager position to Assistant County Manager Renee Paschal.

Chairman Crawford stated he went to the airport in Siler City at the invitation of the Mayor and Town Manager. The new asphalt is being laid down and the project is moving forward.

ADJOURNMENT

A motion was made by Vice Chair Cross, seconded by Commissioner Petty, 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