



Chatham County, NC

Meeting Minutes Board of Commissioners

Monday, March 17, 2014

6:00 PM

Historic Courthouse Courtroom

Work Session - 2:00 PM - Historic Courthouse Courtroom

Rollcall

Present: 3 - Vice Chair Brian Bock, Commissioner Mike Cross and Commissioner Pam Stewart

Absent: 1 - Chairman Walter Petty

PUBLIC INPUT SESSION

There was no one present who wished to speak.

14-0720

Chatham County Board of Commissioners District 1 Appointment

Commissioner Bock asked to add the District One Vacancy to the work session instead of the regular session.

A motion was made by Commissioner Cross, seconded by Commissioner Stewart, that Jim Elza's appointment as Chatham County Commissioner for District 1 be approved. The motion carried by the following vote:

Aye: 3 - Vice Chair Bock, Commissioner Cross and Commissioner Stewart

14-0711

Planning Board annual report presented by the Planning Board Chair.

Attachments: [2013 - planning board annual report - final - Copy](#)

B.J. Copeland, Chair of the Planning Board, gave the annual report to the Commissioners.

14-0706

Request by Nicholas Robinson, on behalf of NNP-Briar Chapel, LLC, for a 50% reduction of the 100 foot watershed buffer (Section 9.3 of the Compact Communities Ordinance (CCO)) for Section SD- North of Briar Chapel located adjacent to US 15-501, pursuant to Section 15 of the CCO.

Attachments: [Hyperlink](#)

Jason Sullivan, Planning Director, reviewed the specifics of the request. He stated the request by NNP-Briar Chapel, LLC. was for a 100 foot watershed buffer requirement waiver of the Compact Communities Ordinance.

Nick Robinson, attorney with Bradshaw and Robinson, spoke on behalf of NNP-Briar

Chapel, LLC. Mr. Robinson stated the Compact Communities Ordinance provides for two kinds of buffers unless someone requests for a reduction of them. One is a perimeter buffer which deals with boundaries of the compact community that adjoin to other property owners. There is a one hundred foot perimeter buffer built into the Compact Communities Ordinance. Mr. Robinson stated the other buffer is a viewshed buffer which is intended to be a one hundred foot buffer along boundaries of the project that adjoin roadways. He stated the viewshed buffer being discussed today is obviously along a major roadway that adjoins to Highway 15-501 North and South.

Mr. Robinson stated the ordinance allows for a developer of a compact community to request of the Board of Commissioners to reduce the viewshed buffer by up to 50 percent from 100 feet down to 50 feet. He stated the request being made today was sent to the Board of Commissioners in a letter in February. He read the letter and reviewed the specifics of the request. Mr. Robinson stated he would answer any questions from the Board.

Having no questions from the Board, Vice Chairman Bock called for a motion to approve.

A motion was made by Commissioner Stewart, seconded by Commissioner Cross, that the 50% reduction of the viewshed buffer of the Compact Communities Ordinance from 100 feet to 50 feet be approved. The motion carried by the following vote:

Aye: 3 - Vice Chair Bock, Commissioner Cross and Commissioner Stewart

14-0722

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

Commissioner Stewart motioned, seconded by Commissioner Cross, to go out of Regular Session and convene in Closed Session for the purpose of consulting with the County Attorney on matters within the attorney/client privilege under GS 143-318 11(a) (3). The motion carried by the following vote:

Aye: 3 - Vice Chair Bock, Commissioner Cross and Commissioner Stewart

Work Session

Commissioner Bock moved, seconded by Commissioner Cross, to adjourn the Closed Session and reconvene in the Work Session. The motion carried by the following vote:

Aye: 3 - Vice Chair Bock, Commissioner Cross and Commissioner Stewart

ADJOURNMENT

Commissioner Bock moved, seconded by Commissioner Cross, to adjourn the Closed Session and reconvene in the Work Session. The motion carried by the following vote:

Aye: 3 - Vice Chair Bock, Commissioner Cross and Commissioner Stewart

End of Work Session

Regular Session - 6:00 PM - Historic Courthouse Courtroom

Present: 4 - Vice Chair Brian Bock, Commissioner Mike Cross, Commissioner Pam Stewart and Commissioner Jim Elza

Absent: 1 - Chairman Walter Petty

INVOCATION and PLEDGE OF ALLEGIANCE

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

CALL TO ORDER

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

Vice Chairman Bock announced to those in attendance that Chairman Petty would not be attending the meeting due to a family emergency. He also announced that Jim Elza was appointed as Commissioner to District 1 during the Work Session earlier in the day. He asked if the Clerk would swear in Mr. Elza.

The Clerk issued the Oath of Office to Jim Elza, Chatham County Commissioner for District 1.

APPROVAL OF AGENDA and CONSENT AGENDA

A motion was made by Commissioner Stewart, seconded by Commissioner Cross, that the agenda and consent agenda be approved with the noted changes:

Vice Chairman Bock asked that Item 14-0687 be removed from the Consent Agenda and moved to the Regular Agenda.

Vice Chairman Bock asked that Item 14-0716 be removed from the Consent Agenda and tabled until the April 21, 2014 Board of Commissioners' Meeting.

Vice Chairman Bock asked that Item 14-0727 be removed from the Consent Agenda and tabled until the April 21, 2014 Board of Commissioners' Meeting.

The motion carried by the following vote:

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

14-0715

Vote on a request to approve the January 10, 2014 Board of Commissioners' Retreat Minutes, the February 3, 2014 Regular Session Minutes, the February 17, 2014 Work Session Minutes, and the February 17, 2014 Regular Session Minutes.

Attachments: [01.10.2014 Retreat Final](#)
 [02.03.2014 R Final](#)
 [02.17.2014 W&R Final](#)

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

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

- 13-0651** Request by Sandy Pond Ent., LLC dba Dogwood Veterinary Hospital for a revision to the existing conditional use permit for a modification in size of the existing monument sign located on Parcel No. 18637, 51 Vicker's Rd.

Attachments: [Hyperlink](#)

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

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

- 13-0652** Request by F Properties, LLC to rezone the remaining acreage being approximately 1 acre of the 1.77 acre tract, Parcel No. 11515, from R-1 Residential to B-1 Business, located off Old US 1.

Attachments: [Hyperlink](#)

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

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

- 13-0653** Request by Strata Solar for a conditional use permit on approximately 21 acres out of a 98.54 acre tract being Parcel No. 18869, located at 151 Vicker's Rd., for a 1.99 MW solar farm.

Attachments: [Hyperlink](#)

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

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

- 14-0687** Appointment of Commissioner Bock as Chatham Transportation Advisory Committee (TAC) representative for the Triangle Area Rural Transportation Organization (TARPO).

This Appointment was tabled until the April 21, 2014 Board of Commissioners' Meeting.

- 14-0694** Smart Start Funds reduction \$19,428

Attachments: [Smart Start Budget Revision Amendment.pdf](#)

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

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

14-0697 Appointment of Nonprofit Panel Volunteers

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

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

14-0699 Reappointments to Appearance Commission

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

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

14-0702 Appointment for Environmental Review Advisory Committee

Attachments: [fran digiano ERC application](#)

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

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

14-0705 Mowing contract award for two groups: Water Utilities and Parks-Recreation.

Attachments: [Copy of Mowing Schedule-UTUpdate-BidTAb.pdf](#)

[Copy of RecreationMowSites2014-BidTAb.xls.pdf](#)

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

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

14-0707 Request by John Coffey on behalf of Coffey Grounds of Chapel Hill, Inc. for subdivision final plat review and approval of 'Horizon, Phase Two', consisting of 7 lots on 13.58 acres, located off S. R. 1525, Hamlet Chapel Road, Baldwin Township, parcel #2040.

Attachments: [Hyperlink](#)

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

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

- 14-0708** Request by Dan Sullivan on behalf of Contentnea Creek Development Co. for subdivision final plat review and approval of **'Pennington at Jordan Lake'**, consisting of 45 lots on 67.52 acres, located off Hwy 64 E, New Hope Township, parcel #17347.

Attachments: [Hyperlink](#)

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

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

- 14-0709** Tax Releases and Refunds

Attachments: [TaxReleasesandRefunds03-17-2014](#)
[OCNTY-NCVTS-FEBRUARY- BOC 03-17-14-](#)
[NCVTS-FEBRUARY-BOC 03-17-14](#)

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

- 14-0714** Request by staff to discuss the draft Memorandum of Understanding (MOU) for the Durham- Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC-MPO).

Attachments: [Att 1- DCHC MPO Memo to Chatham Co](#)
[2013 DCHC MPO MOU - recommended - marked - 2014-03-12.pdf](#)
[2013 DCHC MPO MOU - recommended for member gov approval - 2014-03-12.pdf](#)

A motion was made by Commissioner Stewart, seconded by Commissioner Cross, that the Memorandum of Understanding (MOU), attached hereto and by reference made a part hereof, be approved. The motion carried by the following vote:

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

- 14-0716** Proclaim April 2014 as Child Abuse Prevention Month

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

This Resolution was referred to the Board of Commissioners due back on 4/21/2014.

14-0717 Proclaim April 2014 as Sexual Assault Awareness Month

Attachments: [SAAM Proclamation 2014](#)

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

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

14-0719 Reappointment of Board of Equalization and Review member

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

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

14-0701 New Emergency Medical Franchise for EMS

Attachments: [Durham EMS Response Area](#)
[DURHAM CHATHAM EMS CLEAN](#)
[Durham EMS Response Area EXHIBIT 1](#)

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

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

14-0723 Animal Control Ordinance

Attachments: [AnimalOrdinanceRev4.rtf](#)

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

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

14-0725 Tyler Technologies/Munis Contract

Attachments: [Chatham County - Tyler Agree ca 030514-1](#)

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

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

14-0724 Vote on a request to approve two ETJ appointments to the Town of Pittsboro's Planning Board.

Attachments: [Pittsboro ETJ Appointments](#)

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

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

14-0703 Vote on a request to approve the contract to purchase the VMware Site Recovery Manager (SRM) software.

Attachments: [SRM License-Bid-Tab](#)
[Compucom- SRM](#)

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

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

14-0726 Vote on a request to approve the 2014 Audit Contract

Attachments: [Martin Starnes Contract for FY 2014](#)

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

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

14-0727 Vote on a request to approve changes to the County Historic Courthouse Rental Agreement

This Agenda Item was referred to the Board of Commissioners due back on 4/21/2014.

PUBLIC INPUT SESSION

There was no one present who wished to speak.

PUBLIC HEARINGS

14-0704 Second Public Hearing to receive public comments on the Chatham County Utilities Department's application for a CDBG Grant in the amount of \$750,000.00.

The Vice Chair opened the hearing for public comments.

There was no one present who wished to speak.

The Vice Chair closed the hearing.

A motion was made by Commissioner Cross, seconded by Commissioner Stewart, to approve the Chatham County Utilities Department to apply for a CDBG Grant in the amount of \$750,000.00. The motion carried by the following vote:

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

14-0710

Public hearing request by Jason Rivenbark to rezone a portion of Parcel No. 83841, located on Pea Ridge Rd., being approximately 6 acres out of 11.49 from R1 Residential to CD-NB for an open boat and RV storage facility.

Attachments: [Hyperlink](#)

Jason Sullivan, Planning Director, reviewed the specifics of the request.

The Vice Chair opened the hearing for public comments.

Michael Fox, stated he lives in a small subdivision across Pea Ridge Road from the proposed storage yard. He looked over the plans online and there were a lot of good aspects to it, particularly the buffering up front and leaving the natural area up front. One of the details that concerned him was that the sign and lighting details were missing from the site plan. He looked at the site plans for other boat yards and they all included the signs and lighting but this one did not. Boat yards are going up all around the area and they all have these pole mounted signs that are really bright and are on 24 hours a day. It would be interesting to see what kind of lighting would be around the yard. He stated he does not object to a boat yard being put in, especially one that is open and has a big natural area in the front. He does think, however, that the public ought to have a chance to comment on the sign and lighting that is going to be included. He respectfully requested that the applicant be asked to provide that detail and in another public hearing so that the public could comment on those items.

The Vice Chair closed the hearing.

This Agenda Item was referred to the Planning Board.

BOARD PRIORITIES

14-0720

Chatham County Board of Commissioners District 1 Appointment

This item was moved to the Work Session. Commissioner Elza was approved as the Commissioner for District One and was sworn in at the beginning of the Regular Session. Commissioner Elza thanked the Board for the appointment and apologized for not being at the last meeting when they discussed his application. He stated he was away for a family emergency.

The Board asked Commissioner Elza if he would be willing to serve as the Board representative on both the on the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (MPO) and the Triangle Area Rural Transportation Organization (TARPO). Commissioner Elza stated that he would be willing to serve

as the representative to both organizations. Commissioner Elza would be replacing Commissioner Bock on the TARPO as Bock was approved to serve as the representative on the Consent Agenda earlier in the evening.

A motion was made by Commissioner Cross, seconded by Commissioner Stewart, that Commissioner Elza's Appointment to the TARPO and the MPO be approved. The motion carried by the following vote:

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

14-0700 2014 State of the County Report

Vice Chair Bock presented the State of the County report.

MANAGER' S REPORTS

The Manager had no reports at this time.

COMMISSIONERS' REPORTS

Commissioner Cross stated that Western Wake Partners put in their last piece of pipe to the Cape Fear for the discharge line. They have a lot of cleanup and finish work to do and pump stations to build but it has gone quite quickly and they are doing a nice job.

Vice Chairman Bock stated there has been some interest in mining near the Goldston area in unzoned parts of the County. There have also been some landfill and drilling ideas in some unzoned parts of the county where the commissioners would not have a lot of input. He stated he has asked the staff to look into the legality of creating a special zoning overlay that would require a special use permit that would allow the Board to have input. Vice Chairman Bock stated the Board does not want to zone down to the detail into some of the unzoned parts of the county but when it comes to blasting, drilling, mining and landfills, the Board realizes those things affect the entire county.

ADJOURNMENT

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

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