



# Chatham County, NC

## Meeting Minutes Board of Commissioners

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Monday, October 20, 2014

6:00 PM

Historic Courthouse Courtroom

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### Rollcall

**Present:** 5 - Chairman Walter Petty, Vice Chair Brian Bock, Commissioner Mike Cross, Commissioner Pam Stewart and Commissioner Jim Elza

### INVOCATION and PLEDGE OF ALLEGIANCE

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

### CALL TO ORDER

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

### APPROVAL OF AGENDA and CONSENT AGENDA

*Chairman Petty asked that the Manager's Reports be moved before the Public Input Session.*

**A motion was made by Commissioner Cross, seconded by Vice Chair Bock, that the Agenda and Consent Agenda be approved with the following changes. The motion carried by the following vote:**

**Aye:** 5 - Chairman Petty, Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

[14-0959](#)

Vote on a request to approve the August 18, 2014 Work Session and Regular Session Minutes and the September 15, 2014 Work and Regular Session Minutes.

**Attachments:** [08.18.2014 W & R Session Minutes](#)

[09.15.2014 W & R Session Minutes](#)

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

**Aye:** 5 - Chairman Petty, Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

[14-0980](#)

Receive Environmental Review Advisory Committee (ERAC) Annual Report

**Attachments:** [ERAC Annual Report for2013-Draft After comments \(1\)](#)

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

**Aye:** 5 - Chairman Petty, Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

[14-0887](#)

A request by Donald Jordan to rezone a portion being 1.5 acres out of the 7.42 acre tract of Parcel No. 1478, located at 15 Pine Terrace, from Mobile Home District - Non-conforming (MHD-NC) to R-1 Residential in order to subdivide said 1.5 acres and create separate parcel, Baldwin Township.

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

*The Planning Board, by a vote of 9-0 with 1 abstention, recommends adoption of a resolution approving the following Consistency Statement. The proposed Consistency Statement is as follows:*

*It is the opinion of the Planning Board the request to rezone the 1 ½ acre portion that represents that area of the Mobile Home District to R-1 Residential District is consistent with the adopted land use plans and regulations of the County and therefore is approved as requested.*

**A motion was made by Commissioner Cross, seconded by Vice Chair Bock, that Resolution #2014-34 Adopting a Consistency Statement for the Approval of Rezoning Request by Donald Jordan for Parcel No. 1478, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:**

**Aye:** 5 - Chairman Petty, Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

*It is the Planning Board recommendation by unanimous vote and staff recommendation to approve this general use rezoning request and adoption of an Ordinance Amending the Zoning Ordinance to rezone approximately 1 ½ acres from Mobile Home District to R-1 Residential District. Because this is a general use rezoning request there are no conditions to consider or request on this property. All development of the property shall follow the standards as required in the zoning ordinance and any other regulatory department or agency that may be involved in its development.*

**A motion was made by Commissioner Cross, seconded by Vice Chair Bock, that the Ordinance Amending the Zoning Ordinance, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:**

**Aye:** 5 - Chairman Petty, Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

[14-0888](#)

A request by Jeff Cooper dba Furniture Follies to rezone Parcel No. 2639 from R-1 Residential to Conditional District Neighborhood Business, located at 11311 US 15-501 N, being approximately 1.67 acres for a furniture and general retail sales business with covered outdoor display of furniture, Baldwin Township.

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

*The Planning Board, by unanimous vote, recommends adoption of a resolution approving the following Consistency Statement:*

*It is the opinion of the Planning Board the request to rezone Parcel No. 2639 in its entirety, from R-1 Residential to CD-NB is consistent with the adopted land use plans and regulations of the County, and therefore is approved as requested.*

**A motion was made by Commissioner Cross, seconded by Vice Chair Bock, that Resolution #2014-35 Adopting a Consistency Statement for the Approval of Request from Jeff Cooper dba Furniture Follies to rezone Parcel No. 2639, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:**

**Aye:** 5 - Chairman Petty, Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

*The Planning Board, by a vote of 9-1, and planning staff recommends approval of the rezoning request and adoption of an Ordinance Amending the Zoning Ordinance to rezone parcel No. 2639 from R-1 Residential to CD-NB Neighborhood Business and that the standards of the ordinance have been or can be met with the following conditions.*

*Site Specific Conditions*

- 1. The recommendations of the Chatham County Appearance Commission and the Landscaping Standards, Section 12 of the Chatham County Zoning Ordinance shall be followed as recommended and agreed to by the applicant. The applicant should ensure the maintenance and survival of all plantings which shall be installed at the next optimal planting season following the issuance of the building permit.*
- 2. Outdoor displays of furniture and accessory furniture items are permitted under the eaves of the building only.*

*Standard Site Conditions*

- 3. The application, standards and adopted regulations of the applicable ordinances and policies, and the approved recommendations as provided for and/or conditioned, are considered to be the standards as set forth and shall comply as stated. Changes or variations must be approved through the Planning Department or other approving board before any such changes can take place. These include but are not limited to landscaping, lighting, signage, parking, building construction, etc.*
- 4. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Erosion & Sedimentation Control, Environmental Health Division, Stormwater Management, Building Inspections, Fire Marshal, etc.) shall be obtained, if required, and copies submitted to the Planning Department prior to the initiation of the operation/business.*
- 5. A Certificate of Occupancy shall be obtained within two years of the date of this approval unless other approval/s has been given for an extension, or this approval becomes null and void.*

*Standard Administrative Conditions:*

- 6. Fees - Applicant and/or landowner shall pay to the County all required fees and charges attributable to the development of its project in a timely manner, including, but not limited to, utility, subdivision, zoning, and building inspections.*
- 7. Continued Validity - The continued validity and effectiveness of this approval was expressly conditioned upon the continued compliance with the plans and conditions listed above.*
- 8. Non-Severability - If any of the above conditions is held to be invalid, this approval in its entirety shall be void.*
- 9. Non-Waiver - Nothing contained herein shall be deemed to waive any discretion on the part of the County as to further development of the applicant's property and this permit shall not give the applicant any vested right to develop its property in any other manner than as set forth herein.*

**A motion was made by Commissioner Cross, seconded by Vice Chair Bock,**

that the Ordinance Amending the Zoning Ordinance, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:

**Aye:** 5 - Chairman Petty, Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

[14-0890](#)

A request by Lenore Braford dba Piedmont Farm Animal Refuge, for a conditional use permit on Parcel No. 78297, located at 7404 NC 87 N, being approximately 16.07 acres, for Animal Husbandry Specialized as a farm animal rescue facility, Hadley Township.

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

*The Planning Board, by unanimous vote, and staff recommends approval of the request and adoption of a resolution approving a conditional use permit with the following conditions:*

*Site Specific Conditions*

1. *The applicant shall follow the recommendations of the Chatham County Appearance Commission and the Standards of Section 12 of the Chatham County Zoning Ordinance and install said plantings at the next optimal planting season following the issuance of the first building permit and as each phase is started.*

*Standard Site Conditions*

2. *The application, standards and adopted regulations of the applicable ordinances and policies, and the approved recommendations as provided for and/or conditioned, are considered to be the standards as set forth and shall comply as stated. Changes or variations must be approved through the Planning Department or other approving board before any such changes can take place. These include but are not limited to landscaping, lighting, signage, parking, building construction, etc.*

3. *All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Erosion & Sedimentation Control, Environmental Health Division, Stormwater Management, Building Inspections, Fire Marshal, etc.) shall be obtained, if required, and copies submitted to the Planning Department prior to the initiation of the operation/business.*

4. *A Certificate of Occupancy shall be obtained within two years of the date of this approval unless other approval/s has been given for an extension, or this approval becomes null and void.*

*Standard Administrative Conditions:*

5. *Fees - Applicant and/or landowner shall pay to the County all required fees and charges attributable to the development of its project in a timely manner, including, but not limited to, utility, subdivision, zoning, and building inspections.*

6. *Continued Validity - The continued validity and effectiveness of this approval was expressly conditioned upon the continued compliance with the plans and conditions listed above.*

7. *Non-Severability - If any of the above conditions is held to be invalid, this approval in its entirety shall be void.*

8. *Non-Waiver - Nothing contained herein shall be deemed to waive any discretion on the part of the County as to further development of the applicant's property and this permit shall not give the applicant any vested right to develop its property in any other manner than as set forth herein.*

**A motion was made by Commissioner Cross, seconded by Vice Chair Bock, that Resolution #2014-36 Approving a Conditional Use Permit Request by Lenore Braford dba The Piedmont Farm Animal Refuge on Parcel No. 78297, attached hereto and by reference made a part hereof, be approved. The motion carried by the following vote:**

**Aye:** 5 - Chairman Petty, Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

[14-0910](#)

Vote on a request to approve UNC Community Health Initiatives Diabetes Funds.

**Attachments:** [Office of Minority Grant - Diabetes Self-Management.pdf](#)

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

**Aye:** 5 - Chairman Petty, Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

[14-0973](#)

Vote on a request to award fence alternate for Agriculture Center

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

**Aye:** 5 - Chairman Petty, Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

[14-0974](#)

Vote on a request to amend the contract with Family Violence and Rape Crisis (FVRC) to allow Briar Chapel affordable housing funds to be used for architect fees.

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

**Aye:** 5 - Chairman Petty, Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

[14-0975](#)

Vote on a request to approve a Pyrotechnics Display at the Bennett Baptist Church, 68 Bonlee Street, Bennett, NC on October 25, 2014

**Attachments:** [Bennett Fireworks-Attachment A.pdf](#)

[Bennett Fireworks-Attachment B.pdf](#)

[Bennett Fireworks Attachment C.pdf](#)

[Bennett Fireworks-Attachment D.pdf](#)

[Bennett Fireworks Attachment E.pdf](#)

[Bennett Fireworks Attachment F.pdf](#)

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

**Aye:** 5 - Chairman Petty, Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

[14-0976](#)

Vote on a Request from citizens for the naming of private road in Chatham County

**Attachments:**     [SPRING CREEK ROAD PETITION](#)  
[SPRING CREEK ROAD](#)

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

**Aye:** 5 - Chairman Petty, Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

[14-0977](#)

Pregnancy Care Management Program Funds

**Attachments:**     [Maternal and Child Health Reduction \\$1,208.pdf](#)

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

**Aye:** 5 - Chairman Petty, Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

[14-0979](#)

Vote on a request to adopt a Project Ordinance for Haywood Road Water Main Project

**Attachments:**     [Project Ordinance Haywood Water Main](#)

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

**Aye:** 5 - Chairman Petty, Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

[14-0981](#)

Vote on a request to approve tax Releases and Refunds

**Attachments:**     [NCVTS-Sept 2014.pdf](#)  
[TaxReleasesandRefunds-Sept 2014.pdf](#)

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

**Aye:** 5 - Chairman Petty, Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

[14-0983](#)

Vote on a Request to Approve the Appointments to Agriculture Advisory Committee

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

**Aye:** 5 - Chairman Petty, Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

[14-0986](#)

Vote on a Request to Approve Fiscal Year 2014-2015 Budget Amendments

**Attachments:**     [Rollover Budget Amendment 2014-2015](#)

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

**Aye:** 5 - Chairman Petty, Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

[14-0990](#)

Vote on a Request to Approve the Interlocal Agreement with Chatham County Schools for joint operation of the County/School Bus Garage.

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

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

**Aye:** 5 - Chairman Petty, Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

### **End of Consent Agenda**

## **PUBLIC INPUT SESSION**

*Clerk calls Esta Cohen:*

*Ms. Cohen: Good evening. My name is Esta Cohen, and I live at 688 Van Thomas Road in Pittsboro. I am the Chair of the Agriculture Advisory Board. I would like to thank you in advance for appointing the new members of the Agriculture Advisory Board.*

*As the county moves forward with long-term planning, I am asking that the farmland preservation plan be actively considered. It is a well-written plan, with both general and specific recommendations. It was researched and written specifically for Chatham County, for us. It includes pros and cons; things that have worked elsewhere; and outlines why things failed. The numbers of farms in Chatham County continues to increase. Many of these are small farms, but they do what the rest of us do and produce food. The beef and pork, poultry and eggs are sold not only at the farmers markets but to fresh meat butchers, to restaurants and to our local colleges and schools. We have a presence not only at our local culinary school, but at Duke and UNC, as well. Our grains are sold to local brewers and to bakers who not only clean the grain, but mill into in to flour selling both the flour and the products that are produce from it. We do not only sell here in Chatham. Our farmers have a notable presence at the Carrboro, Durham and Raleigh farmers markets, but they are from here. And then there are those that meet the needs of the commodities market selling poultry, pork, beef, dairy and grain. These supply national and international markets. Our forestry products go all over the world. Our impact on the county is substantial and that is why I am here. The county vision voted for unanimously by this board of commissioners included rural preservation. Though its working title, during its incubation at the EDC was always farmland preservation. Your voting for it meant something. However, it is not a plan, and the drawing which accompanies this scenario is not a map. You cannot take the drawing as presented, superimpose it on a map of the county and use it to protect a given area. There is nothing that is legally binding. We have, however, an opportunity to change that. If you so choose the*

county planners can begin to look at the farmland preservation plan as they move forward with their recommendations. Thank you.

## **MANAGER' S REPORTS**

The County Manager, Charlie Horne, gave comments about the Staff's recent trip to New York City to visit the bond rating company. He stated staff has created a small video to share about Chatham County receiving the AAA Bond Rating.

Video played

Chairman Petty asked if the video will be on the county website. The County Manager stated yes. The County Manager introduced Jeremy Carter who is part of DEC Associates. They are the County's financial consultants and advisors. They and PNC did a super job and the County appreciates everything they have done.

Mr. Carter: It is my pleasure to be here tonight and it is a privilege to have worked with the county for many years now as financial advisor. I am so excited for you all, for the county as a whole and for the taxpayers. I want to congratulate you for both rating upgrades from S&P and Moody's and for your AAA Gold Standard new rating. You are at a unique level. Most AAA counties are huge banking centers, have major metropolitan cities, or are strong cities in the mountains and on the coast that have extremely strong appraised values. The rating really shows the hard work you as a county commission have done. You are a leader in the state by far and it is well deserved. It is purely about your financial planning. The County's adoption of a CIP and a model you have had in place for several years. That strong management and oversight was not overlooked by the agencies and you should be very proud of that. I will take a moment to praise your staff. You have an amazing staff here at the County. Your financial professionals and management team, I am always amazed in New York when they give their presentation. When we have our telephone calls there is not an answer they don't have, and if it takes a moment Renee has it on her computer. The AAA rating will have a significant impact to your county and the tax payer. Higher ratings mean lower interest rates and that is all about the perceived risks by the bond market. Now with your platinum level AAA, as of market conditions close of business Friday, we are down 11 points on your total interest costs. On the refunding alone, that means an increase in net present value savings over the remaining life of those loans of \$311,000. It is real money and it means something to the County. Congratulations again. Thank you.

Commissioner Cross thanked Mr. Carter for his work.

Chairman Petty thanked the staff and said they have been fabulous. He said you can have a plan but you you have to have the people that see it through or else it wouldn't be possible. He commended the staff for all the hard work for helping the Board achieve this goal. It is a phenomenal achievement and accomplishment. He thanked them for their commitment to Chatham County and said it was honor to work with them and serve with them.

The County Manager passed out AAA t shirts to the senior staff members. He said it was a personal privilege to work with the staff on this accomplishment.

## **BOARD PRIORITIES**



[14-0992](#)

Special Presentation to Chatham County Board of Elections Director Dawn Stumpf and Deputy Director Pandora Paschal.

**Attachments:** [Attachment II-Ceremony Intro Form 2014 - Dawn Stumpf](#)

[Attachment II-Ceremony Intro Form 2014 -Pandora Paschal](#)

*Chairman Petty introduced the achievements of Board of Elections Director, Dawn Stumpf and Board of Elections Deputy Director, Pandora Paschal. Both Ms. Stumpf and Ms. Paschal have achieved the highest possible nationwide professional achievement in their field. This past August they became Certified Elections/Registration Administrator (CERA). This is the top program in the United States offering election education and certification programs. It requires many hours of study over several years. Nationwide program has a goal of professionalizing the management of voter registration and election administration. Ms. Stumpf and Ms. Paschal were among just 58 graduates across the entire nation to earn this certification in 2014. The County has honored our elections officials several times before for consistent high voter turnout but we are proud of the confidence that they instill in the election system here in Chatham County. Today we are here to present them with their certification.*

*Chairman Petty read the award into the record.*

*Presented the awards to Ms. Stumpf and Ms. Paschal.*

*Ms. Paschal thanked Chatham County for giving them the opportunity to take the certification courses. She stated it can take over 12 years to complete this certification. Because of the generosity from Chatham County they were able to achieve the certification in four years.*

[14-0991](#)

Approve additional funding to Chatham County Schools for the Retention, Recruitment, Performance Pay Plan

*David Hamm from the Board of Education stated he wanted to add to the good news of the evening.*

*Mr. Hamm: This is a first for Chatham County Schools. We were one of 14 systems to have all schools meet or exceed their growth expectations. The formula is very difficult and it is the first time Chatham County has ever done that. It amazed people because we are not a big county but we did it. This actually created a problem. In preparing our budget, we worked on previous test accomplishments and we cranked out the numbers. Thanks to our teachers, support staff and our kids, they cranked out some test numbers that allows all or schools to meet or exceed. In our projection for the new pay incentive performance and retention plan we went on our past numbers. That was not all of the schools making it. Therefore, with all of our schools and teachers making it, we have to come back and ask for more money.*

*On behalf of Dr. Jordan, who is on a well-deserved vacation, and on behalf of the staff who works closely with yours, we need \$125,000 more dollars to make this happen. We are the only school system in the state doing this. Someone in Raleigh heard we are doing this so they are requiring other systems to create something similar. We are on the cutting edge and we are doing something no one else is doing and that is showing appreciation for our teachers. It is not the board or the central office but the teachers working day in and day out. We appreciate your help in this endeavor.*

Vice Chairman Bock asked if the schools really had no idea they were going to need extra money when they were originally getting this plan approved. Mr. Hamm stated we have to do it again next year.

Chairman Petty stated many people present many not be familiar what is being discussed. He stated in the last budget cycle the Board approved a budget that would allow the teachers to be paid an incentive if the schools met or exceeded the performance and we underestimated their performance. We were one county out of 14 in 116 school systems to achieve this. We were the largest. So now the board is asking for more money for this program.

Mr. Hamm stated along the commissioners have been so supportive and willing to take on this project and now are seeing it through. Checks are scheduled to go out right before Christmas, That is good timing for the teachers. We can't over state or take too many bows when it is the very first time something happens and I have been in the system for a long time.

Renee Paschal, Assistant County Manager, stated staff recommends approval from contingency.

**A motion was made by Commissioner Cross, seconded by Commissioner Stewart, that \$125,00 be approved and taken from contingency. The motion carried by the following vote:**

**Aye:** 5 - Chairman Petty, Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

#### [14-0978](#)

Vote on a request to adopt a Resolution Supporting the Jordan Lake Partnership and the Triangle Regional Water Supply Plan

**Attachments:** [RESOLUTION - Triangle Regional Water Supply Plan-Oct '14](#)  
[Chatham Co TRWSP Presentation](#)

Dan LaMontagne, Public Works Director, stated he wanted to discuss the Jordan Lake Partnership and the Triangle Regional Water Supply Plan. He presented a PowerPoint.

Mr. LaMontagne: Back in 2007 and 2008 we got used to seeing this map (pointed to map), we were in exceptional drought. We saw this every week. The purpose of the partnership was the result of some historic droughts. The partners in the Jordan Lake area decided there needed to be a long term regional solution and a plan as to how to handle the water supplies in the area. Who are the partners? There are 13 partners, we are hoping to add Fayetteville in the future. (Showed the map of the area.) There are a great deal of physical interconnection between the partners. What is not shown in the map is the connection to Siler City. The Jordan Lake Partnership is managed by the partners themselves but is led by the City of Durham. Fountainworks is the facilitator of the meetings. Some of the accomplishments of the partnership are: the water supply plan (award winning), this is the first time a coordinated Jordan Lake allocation request has been put together, we are of course looking at the interconnection assessment, and we are looking into a western intake possibility. We looked at our Upstream and Downstream Partners.

Chairman Petty said Mr. LaMontagne mentioned the western intake as needed. He asked what the capacity on the eastern side of the intake is. Mr. LaMontagne stated the County plant treats three million gallons a day we get our water of the Cary/Apex intake off the lake. Chairman Petty asked if there is a limit that they can draw from that intake before we have to move to the western intake. Mr. LaMontagne stated

there is and they are looking at expanding their intake as well. He can get that information for the Chairman.

Vice Chairman Bock asked what our current allocation is. Mr. LaMontagne stated six million gallons. The County can treat three million gallons a day. Commissioner Cross stated the Western Wake Partners are wrapping up their 38 million gallon update of the discharge line. He suspects their allocation request will be quite high.

Mr. Lamtagne: Triangle Regional Water Supply Plan: Some of the Key Conclusions are that we need to use our water more efficiently. The current regional supply will meet regions needs through 2030. If the plan is implemented the needs of the region should be met through 2060 without compromising the downstream communities. The Triangle population is expected to grow dramatically over the next 50 years. 2045 is the Jordan Lake Allocation Planning Year.

Commissioner Elza stated that 2060 is the magic year as he understands it because that is when supply and demand gets pretty tight. Mr. LaMontagne stated without changes in technology that will probably stay true.

Mr. LaMontagne: When all the partners were looking at their demands, we did a peer review process. We were able to decrease the demand by 10% among all the partners after that peer review. This shows (pointed to chart) Without any Jordan Lake allocation we are good through 2030 but as we go forward in time through 2060 we are looking at a deficit. So we have a Regional Solution. (Showed slide with solution).

Chairman Petty asked if Mr. LaMontagne meant 2030. Mr. LaMontagne stated for us it is 2020, our demand will be exceed at that date. 2030 is for the overall region.

Mr. LaMontagne reviewed the Jordan Lake Allocation requests.

Commissioner Elza asked if Mr. LaMontagne could go over that again. 100 million gallons in Jordan Lake and we will need 99 million, so it is covered? Mr. LaMontagne stated it is covered.

Chairman Petty stated without that it would be a 95 million gallon deficit. Mr. LaMontagne stated that was correct.

Mr. LaMontagne reviewed the Jordan Lake Allocation Timeline.

Vice Chairman Bock asked what reasons they would have to disapprove. Mr. LaMontagne stated they did anticipate disapproval. Chairman Petty stated isn't that part of the reason for doing it regionally. Mr. LaMontagne stated that is correct, they look for opposition. He said they work with the communities and the state and this approach really minimizes that.

Commissioner Cross stated the only two main requirements to request an allocation is you have to have a need and you have to have a plan.

The County Manager stated the state has encouraged strongly over the last 10 years if you have a plan it needs to be regional in concept. We are leading that charge, Triangle J has assisted, but we have the most need and the most urgency. You mentioned earlier the fact that we are interconnected on a regional level. What you didn't say that is important, is that interconnectivity can help move water when there

*is a drought so that everyone is covered.*

*Mr. LaMontagne stated the next steps are for everyone to complete the Jordan Lake Allocation process, plan for future infrastructure investments, look closer at our interregional connections and the continual support by the political boards and the staff to support the regional collaboration. He is here today to ask the Board to adopt a resolution supporting the Jordan Lake Partnership and the Triangle Regional Water Supply Plan.*

*Chairman Petty stated he appreciates what Mr. LaMontagne has done. We have found working regionally is what we need to do on things such as water and glad we have professionals like you working on it, as it is an intense process. It is nice to see a public presentation to let us know you are on top of it.*

*Commissioner Cross stated we are talking about increasing our allocation and we have less than 3 million capability in our plant, what is our plan?*

*Mr. LaMontagne we are looking into the feasibility of a regional water treatment plant on the west side of the lake and also there are options for expanding our water treatment plant.*

*Commissioner Cross stated he was in some talks about some land years back.*

*Mr. LaMontagne they are partners in the study that is underway right now and that is a location that we are looking at.*

*Commissioner Cross just wants everyone to realize that based on the size of the allocation, even with partners, it is going to be a huge expense. Probably around \$75 million split up between partners.*

*Mr. LaMontagne we should have the feasibility study completed soon.*

*Chairman Petty stated the treatment plant will be potentially a partnership arrangement as well. Mr. LaMontagne we are still finalizing that. Chairman Petty if we go to that it will be a shared partnership Mr. LaMontagne that is really the reason for looking at this because the go it alone approach would be much more expensive for all the partners.*

*Commissioner Elza asked if they have looked at those modular systems where you add on. Mr. LaMontagne stated they are looking at how we can phase that plan up.*

*Commissioner Cross stated he remembered there were days that summer we came very close to maxing out that plant. These interconnections you can still get more treated water if your plant is maxed out. Therefore with all the partners you can still get treated water even if your plant is maxed out for a period of time.*

*Mr. LaMontagne as a result of that we did pursue a CIP project for the Durham Interconnect that we just recently completed. We can get three million gallons a day from them as well.*

*Commissioner Cross stated therefore we are not in danger. Mr. LaMontagne stated currently we are not.*

*Commissioner Elza stated he thought it was a well done and professional plan.*

**A motion was made by Commissioner Elza, seconded by Commissioner Cross,**

that this Resolution #2014-37 Supporting the Jordan Lake Partnership and the Triangle Regional Water Supply Plan, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:

**Aye:** 5 - Chairman Petty, Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

[14-0892](#)

A request by The Keith Corporation for a Conditional Use Permit Revision for Parcel No. 62180 located at 11500 US 15-501 N, currently known as Cole Park Plaza, to redesign the site, maintaining current uses and conditions currently approved, being approximately 8.58 acres, Williams Township.

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

*Jason Sullivan, Planning Director, reviewed the specifics of the request. The application for the amendment is to redesign the site. Pulled up a copy of the landscaping plan. The Planning Board unanimously recommended approval. One item from the public hearing that was a concern was from the owner of Dockside Seafood and the dumpster locations of the site. The dumpsters will have to be enclosed per the guidelines provided by the county. The applicant is here to address any questions the Board may have. If the Board believes the dumpsters need to be added as an additional condition that can be addressed tonight as well. The recommendation from Planning Board and Staff is for approval.*

*Vice Chairman Bock, stated there has been a problem with the dumpster placement for years. Currently the dumpsters sit on his private property and he has moved them but they get moved back.*

*The applicant stated that they had gone out and determined that they are currently on his property. As a result they will be going today or tomorrow and will be relocating the dumpsters onto the applicants property. The enclosure around the dumpsters could take a month or so to complete but the dumpsters will be moved immediately. The applicant passed out a diagram pointing out where the dumpsters will be located.*

*Vice Chairman Bock stated he is concerned because couches, washing machines, and other household items get left there because people think it is the recycling center.*

*The applicant stated they are going to be removing several of the dumpsters and they will be in permanent enclosures*

*Vice Chairman Bock asked if the applicant could commit today to moving the dumpsters tomorrow.*

*The applicant stated they are being moved within the next 24 hours. We are also putting up signs to deter people from dumping.*

*Vice Chairman Bock asked if there would there be an objection if it were made a condition of the approval.*

*The applicant stated they did not believe there would be an objection.*

*The board agreed moving the dumpsters should be added as a condition.*

**A motion was made by Commissioner Cross, seconded by Vice Chair Bock, that this Resolution #2014-38 Approving Revision to Conditional Use Permit**

**Request by The Keith Corporation on Parcel No 62180, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:**

**Aye:** 5 - Chairman Petty, Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

[14-0989](#)

A continued discussion by staff regarding the Board's interest in regulating land use in the unzoned areas of the county.

**Attachments:** [Att 1 20Oct14 BOC](#)

[Att 2 20Oct14 BOC](#)

*Hillary Pace, Planner, introduced the item.*

*Ms. Pace: The BOC directed staff after the July meeting to go back and do more research into the four options that were presented and come back and present our findings. We engaged with a few counties across the state who had experience with open use districts, heavy use industrial ordinances and unzoned areas in general. We are a partially zoned county with rapid growth expected in the coming years. We spoke with Henderson, Buncombe and Transylvania Counties.*

*The Planning Board subcommittee recommended four options regarding land use regulation with an emphasis on public input*

- 1. Do nothing at this time;*
- 2. Extend zoning with an open use district;*
- 3. Adopt a Heavy Use Ordinance*
- 4. Extend Traditional Zoning*

*These are developed from our conversation with other planning staff and general conversations with people within the past two months.*

*It is staff's opinion that the development of a comprehensive plan is ultimately necessary. It is a blueprint for the community, a way to plan for growth and where to direct growth. It ties together all the plans that we have. Staff's recommendation is for the Board to gauge community input and implement open use district and begin work on a comprehensive plan shortly thereafter.*

*Chairman Petty asked if it is possible to do split zoning within the county.*

*Ms. Pace stated that Buncombe County has zoning in the metropolitan areas and has open use zoning in the periphery of the county.*

*Chairman Petty stated split zoning might allow the County to address some of the things it is currently dealing with while it works on a more extensive comprehensive plan.*

*Ms. Pace stated the comprehensive plan would take about a year to do properly from the contract signing forward. The open use ordinance could be however the County crafted it. The uses established today would be considered vested and we would not be able to stop legally any uses today.*

*Commissioner Elza asked how the open use district works. Ms. Pace stated it is more common in the western part of the state. It is a district.*

*Commissioner Elza stated it is a district with everything in it.*

*Ms. Pace stated it is a zoning district. It would be a blank use table column.*

*Commissioner Elza stated you would pick out everything you want. Vice Chairman Bock stated you pick out everything you don't want. Ms. Pace stated you would require them by conditional use.*

*Chairman Petty stated it would be pretty labor intensive. Ms. Pace stated staff has a timeline, a pretty optimistic progressive timeline. Ms. Pace reviewed timeline. In 2007, the County did the inventory of businesses on the backend. In this timeline staff would do that more up front.*

*Vice Chairman Bock stated it is progressive and it is a pretty good plan. From the public input, that is where we would develop a list of unwanted industries. Vice Chairman Bock asked how small a district could be. Ms. Pace stated the County is unzoned so we can go as small as we want. Vice Chairman Bock he did not want the perception to be this is a plan to fully zone the county. Maybe we want to stretch out that public input or have more than one per area. He does not want Briar Chapel people down in Bennet telling them what to do and vice versa. The folks that live in the specific area are the comments that are needed. Ms. Pace stated there are several planning methods to help achieve that.*

*Chairman Petty stated he felt like there would be more local involvement at local or regional meetings. People are more likely to stand up among their peers and speak than here among 200 300 people. Ms. Pace asked, what the Board would be looking at in terms of timeline for public input.*

*Chairman Petty stated two meetings per area. Maybe they could hold them at the fire stations. Commissioner Cross stated the schools work best.*

*Commissioner Elza asked how much legal testing there has been on the open uses. Ms. Pace stated she could not speak to the litigation that has been out there but she can look into it.*

*Jason Sullivan, Planning Director, stated Henderson County started using the open use concept back in the 1990's and Buncombe has been using it for several years. Ms. Pace stated staff did pretty good research but they will look into it again. Vice Chairman Bock asked if staff could flush out the pros and cons a little more.*

*Commissioner Stewart asked how we going to gather the input. Commissioner Cross suggested doing something similar to what they did with the joint land use plan with Cary. Ms. Pace stated Henderson County was successful with an open house style of public input.*

*Commissioner Elza asked if the map for the open use district is an empty map. Ms. Pace stated the open use district is a district with its own color on the district map.*

*Ms. Pace stated staff would start working on a public input schedule and would come back to the Board with answers to their questions.*

#### [14-0993](#)

### Discuss and Approve 2014 BOC CIP Meeting Dates

*The Board agreed to the following changes to the Board of Commissioners' 2014 Meeting Calendar:*

*The Board will receive the Capital Improvements Program (CIP) at the December 1, 2014 meeting.*

*The December 1, 2014 Board of Commissioners' Meeting will begin at 5:00 PM instead of 6:00 PM*

*The Board of Commissioners will hold the Capital Improvements Program (CIP) Work Session on Thursday, December 11, 2014 at 9:00 AM in the Historic Courthouse Courtroom.*

*The Board of Commissioners will adopt the Capital Improvements Program (CIP) at the December 15, 2014 meeting.*

**A motion was made by Vice Chair Bock, seconded by Commissioner Stewart, that additional dates and times to the 2014 Board of Commissioners Meeting Calendar be approved. The motion carried by the following vote:**

**Aye:** 5 - Chairman Petty, Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

## **PUBLIC HEARINGS**

[14-0971](#)

Public Hearing and Approval of Certification Statement

**Attachments:** [Chatham County ROAP Certified Statement](#)

*Dan Stroupe reviewed the item.*

*The Chairman opened the hearing.*

*No one was signed up to speak.*

*The Chairman closed the hearing.*

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

**Aye:** 5 - Chairman Petty, Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

[14-0987](#)

A quasi-judicial public hearing request by Carolina Meadows, Inc. for a Conditional Use Permit revision to increase the size for the new Health Center located in Area B up to 130,000 sq. ft., an increase in the number of allowed beds from 100 to 120, and to construct 100 residential units in Area C where the current Health Center is located, Parcel Nos. 62114, 64734, 20033, and 74450, Williams Township.

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

*Attorney for applicant: Nick Robinson*

*Jason Sullivan: The first item on the agenda tonight is a conditional use permit amendment for Carolina Meadows. They originally received a permit in 1983 and then there was a revision in 2008; this is yet another modification of that approval. This is a request to modify the health center location. The health center location was*



approved in 2008. This is to modify the square footage to increase the square footage that was approved in 2008 and also to increase the number of units. What I am going to pull up is the general site plan to get you oriented on the property. The overall area for Carolina Meadows is showing here as Areas A, B & C. Area B is the proposed location for the new health center. It is currently located in Area C. Again, Area B was approved in 2008 for the site plan I am going to pull up, for this specific layout, and again, the square footage was set by the application that was provided in 2008. The proposed plan is shown on the screen here. That is all I have for you. I believe there are people here signed up to speak.

Clerk calls Nick Robinson.

Mr. Robinson: Good evening, commissioners, county staff, and county attorney. My name is Nick Robinson, and I am happy to be here tonight on behalf of Carolina Meadows, Inc. We have a very short presentation for you. A lot of the heavy lifting in connection with this was done back in 2008. I know that only one of you was on the board back in 2008, so I'll just do a little bit of background for you. In case you did not know, Carolina Meadows was founded back in 1983. It has been a crown jewel continuing care/retirement community in Chatham County for thirty-one (31) years. I am joined tonight by Kevin McLeod who is the CEO of Carolina Meadows and Mark Ashness who is the engineer on the matter. In 2008 there was a conditional use permit amendment that did several things, and Jason referred to them. To get you oriented, this is coming along here is Mount Carmel Church Road and the entrance to Governor's Club is here. These are the Governor's Village apartments, you are probably familiar with, and this is Whippoorwill Lane which comes across, and the main enter to Carolina Meadows is right here. In 2008 the conditional use permit amendment did three (3) things; the first part in Area A which is down here. In Area A they sought permission to add up to 35 independent living units which would have been 70 units because they were duplexes. Those were approved and wound up being 28 separate duplexes, as it turned out. Those have all been constructed and sold and that was a great addition to Carolina Meadow. The other component was up here in Area B, which Jason mentioned, which was the approval of a new health center location right there in Area B, and as Jason mentioned there is an existing health center which is located in Area C. It was always contemplated that it would be a two-step approach that there would be a new health center built in Area B, then the health center that exists in Area C would be deconstructed. Once they moved into the new one that area would be replaced with more residential units. The next step of Area B being constructed has not occurred yet. At the time the conditional use permit amendment was approved unanimously by the Board in 2008, Jason mentioned that there was a site plan associated with the new heath center in Area B and also there was a maximum square footage of 98,000 attached to it. As Jason mentioned, that was a self-imposed 98,000 square feet. There was never any opposition to that. Another architect was hired and a lot has been changed in the imagery. They have redesigned the heath center to be 130,000 square feet, but the impervious service coverage of the building will be neutral, and they will do that by space in basement and more square footage in the third floor, and so what this proposal asks for is the redesign health center which will include up to 130,000 square feet. A rather odd thing occurred, I am not sure why it first occurred in 1983 there was a 90 bed maximum, there are not any regulation for that, and I don't know why that would be since it has to be approved by Division of Health and Human Services at the state level and you need to get a certify of need for every hospital bed that you have. Nevertheless, that is in the existing conditional use permit so what we also ask at this time is an amendment to increase to 120 beds. If in fact Carolina Meadows goes to the state level, and request the ninety (90) to whatever number the.....so we are requesting that modification as well. As I mentioned, and this would be a good time to go back to the site plan, the currently approved plan ---so

you see Mount Carmel Church Road and Whippoorwill Lane running along here so the initial approval for Carolina Meadows for the health center was set up like this, and if you look at the vegetative buffer area, there is a 40 foot setback that is mandated, our vegetative buffer is larger in all respects. This is the original plan which called roughly, and 70-80 feet at this location, so if we now scoot over to the proposed plan, you can see the 40 foot buffer is still in place there. You still have 60 feet of vegetative buffer there, and 75 feet of vegetative buffer there, and up to much, much bigger at the corner of the intersection. You can see that another change to the plan to improve it is that the parking for all of it has moved from the outside that used to be over here has been moved to the interior to keep it away from the view shed of the roadway. We think it is vastly improved plan in that respect. One other element, is this is the zoning map for the area, and you can see that along Mount Carmel Church Road there is an increment of business uses along the way, very little straightforward residential is left in the area, this is the parcel that the health center is going to be you can see there will be an aggregation of conditional business uses in that location as well. So, that is the general review of it. The timing of it would be not certain but of course the steps would be that the new health center would be built, and then the second, the old health center would be taken down. One element that I want to point out that you might not know is that when this was approved and through various amendments, it is actually already permitted for 750 residential units and there are about 223 units left under that right now. We have not had to seek an increase in residential units order to allow us to put more residential units in there. The plan right now is to put approximately 100 more units in there, which would still leave them with 123 or 124 units in the bank to hold onto. They may never ever get to the site of putting them all in, but that is generally the plan they have right now.

In our application, we've gone through the 5 findings, they were met in 2008. This is essentially the same plan, with some slight changes in the site plan .....2014, so, as a technical matter we would like to incorporate the entire record from 2008, and our application this time around and anything in the public hearing and request that after--one other thing, planning staff has reviewed it for sufficiency and has determined the application was sufficient. Issues by Ms. Birchett that were addressed by Mark Ashness with the water department and those have all have been cleared up. So, with that I would just ask that if there are no further no comments from the public, to send it to the planning board for their recommendation when it gets back to you to approve it. If there are any questions we will be happy to take them.

Chairman Petty: You said you go through the state is that right?

Mr. Robinson: Yes, for the hospital beds.

Commissioner Elza: You said watershed neutral. This project started in 1983, what does watershed neutral mean?

Mr. Robinson: Mark can address that better than I can.

Mr. Ashness: That's a good question. I'll try to give you a general response, or a simplified response. There were as you mentioned when this project was originally approved, and there were several conditional use approvals that predated the storm water ordinance with the county. When we came in 2008, we elected to take the Area B where the future health center is, there won't be curb and gutter in that area, and we said that specific area had never been developed we will stay at 36% impervious for that, so short of the existing campus was what it was, a grandfathered area and the area where the duplex were recently built was with curb and gutter and we elected to build that area which had not been developed at less than 24% impervious. So the way we are treated is that the area will be built now at less 24%

*impervious. The health center will be less than 36% impervious; it is over than 7 acres in size. Anything in the existing campus is neutral, so in other words when we deconstruct the health center or any parking and we build anything new there is no net increase in the grandfathered area of the campus.*

*Commissioner Elza: The new health center will take square footage will take from the old health center and move it to another place. Basically, and then you will have the 100 units they will be in the 24%.*

*Mr. Ashness: The new health center is a virgin area, so we agreed to meet the county requirement which were in that specific area which was 36%, without curb and gutter, and then anything is the existing campus core, if we add some buildings then something is either removed, for instance the future independent living we are looking at parking underneath the structures. There will a lot of technology will be used to make sure we stay neutral on the existing campus.*

*Commissioner Elza: For the campus there right now, if you remove that and then put in housing, you should get some credit.*

*Mr. Ashness: It will be the neutral, exactly.*

*Commissioner Elza: That is the neutral part.*

*Mr. Ashness: Basically, the core campus, whatever we add at the end of the day, we have to take something out to make it neutral. Thank you.*

*Commissioner Elza: Thank you.*

*Chairman Petty: Is there anyone else who wishes to speak on this topic?*

*Clerk: No one has signed to speak.*

*Chairman Petty: Thank you. We will close this item and refer it back to the planning board.*

*End hearing.*

**This Agenda Item was referred to the Planning Board.**

[14-0988](#)

A quasi-judicial public hearing request by Kunal Enterprises LLC c/o George Farrell, Jr., for a Conditional Use Permit revision to expand the uses currently on the property, Parcel No. 70029, located at 12820 US 64 E, and to deed restrict approximately 17.829 acres, Parcel No. 69707, located on Marshall Rd., as non-buildable to offset the impervious surface expansion on the commercial property.

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

*Jason Sullivan: The next item is also a revision to an existing conditional use permit. This is a request by Kunal Enterprises in care of George Farrell for a revision to the conditional use permit for a project on Hwy 64. This is on the east side of Jordan Lake. Currently, there is a mix of uses that have been approved on that site. It has a mix of boat and RV storage and there are several assorted retail uses on the site. The request is actually not to increase the uses, but increase the area covered by the uses. If you look at the site plan that I have pulled up, this shows the proposed new site plan for this area. One thing you'll note is that there is a lot of coverage with the*

proposed buildings on this site, and what Mr. Farrell is requesting is to take advantage of the 2008 statutory provision that allows for transfers of built upon areas between properties within the same water shed drainage. This has been used recently with the U-Haul self-storage on 15/501. What happens is there is a deed restriction placed on the property within this same water shed drainage and then the built upon area allocated to that parcel is then transferred to another site. What you see on the screen is the proposal with additional boat and RV storage, there are also some additional buildings for some of the uses on the property, some new buildings, and then of course it will have to comply with our storm water requirements. Mr. Farrell has already submitted the environmental impact assessment as part of this request and that has been reviewed by staff per the zoning requirements.

Chairman Petty: Has anyone signed up to speak?

Mr. Farrell: I appreciate the chance to present here. What we are doing here is just existing uses. We are just getting more people wanting spaces like this, so it isn't really anything new just existing uses to expand.

Chairman Petty: Thank you. If there is nothing else we will close this item and refer this back to planning board.

End hearing.

**This Agenda Item was referred to the Planning Board.**

## **CLOSED SESSION**

[14-0966](#)

Closed Session to discuss matters within the attorney client privilege.

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

**Aye:** 5 - Chairman Petty, Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza

## **COMMISSIONERS' REPORTS**

Commissioner Cross stated that he and Ms. Paschal attended the Tax and Finance Legislative Goal Session last week. He received a news release saying the committee will send ten proposals and he is sure the County's goal about sales tax leakage is one of them. He will find out for sure and report back.

Commissioner Stewart has a meeting next week with a representative from Centurylink to find out details about what they have going on in Chatham County.

Commissioner Elza stated the Strategic Transportation Corridor Plan came back October 3, 2014 and the comment period goes to December 2, 2014. He believes 15-501 is not on there. Commissioner Cross stated he believes 15-501 has been handled. Secretary Tata said 15-501 and 421 have been approved, it should be in the pipeline.

Chairman Petty stated 15-501 and the bypass

are approved. The MPO in Durham has reallocated their funds and we will get \$34,000 a year for transportation projects but it does require a 20% match. Hillary is working with the TAC to see if there is anything this year. Commissioner Stewart asked how much they wanted from us last time. Commissioner Cross stated maybe that could be the County's project, to provide elderly handicap transportation back and forth to UNC

Vice Chairman Bock said he would like to wish his wife a Happy Anniversary.

## **ADJOURNMENT**

**A motion was made by Commissioner Elza, seconded by Commissioner Stewart, that the meeting be approved. The motion carried by the following vote:**

**Aye:** 5 - Chairman Petty, Vice Chair Bock, Commissioner Cross, Commissioner Stewart and Commissioner Elza