

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
JANUARY 19, 2010

The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met in the Superior Courtroom, 1 Hillsboro Street, located in Pittsboro, North Carolina, at 6:00 PM on January 19, 2010.

Present: Chair Sally Kost; Vice Chair, George Lucier; Commissioners Mike Cross, Carl Thompson, and Tom Vanderbeck

Staff Members County Manager, Charlie Horne; County Attorney, Jep Rose; Assistant County Manager, Renee Paschal; Finance Officer, Vicki McConnell; Clerk to the Board, Sandra B. Sublett; and Deputy Clerk to the Board, Elizabeth Plata

INVOCATION AND PLEDGE OF ALLEGIANCE

Commissioner Thompson delivered the invocation after which Chair Kost invited everyone present to stand and recite the Pledge of Allegiance.

CALL TO ORDER

Chair Kost welcomed those in attendance and called the meeting to order at 6:02 PM.

AGENDA AND CONSENT AGENDA

The Chairman asked if there were additions, deletions, or corrections to the Agenda and Consent Agenda.

Commissioner Vanderbeck asked that the January 04, 2010 Regular and Work Session Minutes be removed from the Consent Agenda and returned for consideration at a later date. He also asked that Item #4, Subdivision Final Plat Approval of “Briar Chapel, Phase 4, Section 4, Item #5, Subdivision Final Plat Approval of “The Hamptons Summit, and Item #6 Subdivision Final Plat Approval of “Briar Chapel, Phase 5, Section 1, be removed from the Consent Agenda and placed on the Regular Agenda for discussion.

Commissioner Vanderbeck moved, seconded by Commissioner Lucier, to approve the Agenda and Consent Agenda with the noted requests as follows:

1. **Minutes:** Approval of Board Minutes for Regular Meetings held ~~January 04, 2010~~ and December 14, 2009 and Work Sessions held ~~January 04, 2010~~ and November 16, 2009

The January 04, 2010 Regular and Work Session Minutes were removed from the Consent and will be returned to the Board for consideration at a later date.

The December 14, 2009 Regular Minutes and November 16, 2009 Work Session Minutes were approved. The motion carried five (5) to zero (0).

2. **Tax Releases and Refunds:** Approval of tax releases and refunds, attached hereto and by reference made a part hereof.

The motion carried five (5) to zero (0).

3. **Listing for Business Park Campus:** Approval of a request by the Economic Development Corporation to renew the existing agreement between Chatham County Economic Development Corporation and Thomas Linderman Graham, Inc for marketing and sale of lots at the Chatham County Business Campus

The motion carried five (5) to zero (0).

4. ~~**Subdivision Final Plat Approval of “Briar Chapel, Phase 4, Section 4”:** Approval of a request by Keith Hurand, Sr., Vice President on behalf of NNP Briar Chapel, LLC for subdivision final plat approval of “Briar Chapel, Phase 4, Section 4”, consisting of 37 lots on 13.13 acres located off Briar Chapel Parkway, Baldwin Township~~

This item was removed from the Consent Agenda and placed on the Regular Agenda for discussion.

5. ~~**Subdivision Final Plat Approval of “The Hamptons Summit”:** Approval of a request by Windjam 23, LLC for subdivision final plat approval of “The Hamptons Summit” formerly (The Hamptons Phase II), consisting of 49 lots on 93.27 acres, located off SR #1700, Mt. Gilead Road, Baldwin Township~~

This item was removed from the Consent Agenda and placed on the Regular Agenda for discussion.

6. ~~**Subdivision Final Plat Approval of “Briar Chapel, Phase 5, Section 1”:** Approval of a request by Bill Mumford, Sr., Project Manager, on behalf of NNP Briar Chapel, LLC for subdivision final plat approval of “Briar Chapel, Phase 5, Section 1”, consisting of 28 lots on 5.11 acres, located off Briar Chapel Parkway, Baldwin Township~~

This item was removed from the Consent Agenda and placed on the Regular Agenda for discussion.

7. **Environment Review Board Appointment:** Approval of a request to appoint Victor D’Amato to the Environmental Review Board by Commissioner Lucier

The motion carried five (5) to zero (0).

8. **Solid Waste Advisory Committee:** Approval of a request to appoint Melinda Fitzgerald to the Solid Waste Advisory Committee by Commissioner Lucier

The motion carried five (5) to zero (0).

END OF CONSENT AGENDA

BOARD OF COMMISSIONERS’ PRIORITIES

Resolution Honoring the Northwood High School Soccer Team: Approval of a request to adopt Resolution Honoring the Northwood High School Soccer Team

Chairman Lucier moved, seconded by Commissioner Vanderbeck, to adopt **Resolution #2010-02 Honoring the Northwood High School Soccer Team**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Vice Chair Lucier read the resolution in its entirety, summarizing their accomplishments including a second-place finish in the North Carolina 2A Championship playoffs, and presented the resolution to Coach Russ Frazier and individual resolutions to each member of the team.

Coach Frazier expressed appreciation for the special recognition and introduced each player.

Chair Kost stated that she attended the State Championship game and she was so proud of the team, as they not only showed a great deal of skill, determination, and condition, they also showed great sportsmanship.

PUBLIC INPUT SESSION

Nathan Byelick, 1135 Kildaire Farm Road, Suite 200, Cary, NC, representing Oak Crest Property Management, Inc., presented his comments to the Board and provided them in their entirety for the record as follows:

“This park called Cape Fear Road Mobile Home Park (located at 2545 Pea Ridge Road, New Hill, NC) operates two wells that have been recently updated and have had new pumps installed. Presently, the entire infrastructure is in place to serve all the potential home owners.

It costs the Park about \$3000 to \$4000 annually to maintain the water system per state requirements. The Management was considering installing its own low costs metering system, applying to be regulated by the state and then billing the individual tenants for these costs. This could average about \$11 per month per home owner.

We discovered that the Park had a 24" County run water line and hydrant at the entrance of the property and thought it may make more sense to shut down the wells and allow the County to have these customers. When we inquired, we were told that the County would require a 6" insulated water line installed through the park, with possibly a few fire hydrants installed at the parks expense. This cost alone makes it make more sense to continue running on the refurbished well system in place. In addition another \$3500 per home owner lot would be charged.

After speaking with a gentlemen who runs the water department, he said that the County needs customers on-line in that area and that it would help the County to help find funds to install this line. He said that in order to keep the purity of the water up to standards required, that they are constantly pumping water on the ground for water flow. He said that this was very costly for the County. He felt the County would benefit greatly by having this 6" insulated line installed and a hydrant at the bottom of our road.

We do not have the funds to make this sort of investment. Are there any programs that could help? If so we are willing to partner with the county to help bring these potential 32 lots on line with the County."

Chair Kost stated that they would have someone contact him regarding this matter; that they are holding their retreat this week at which time a sliding scale will be discussed based on square footage; and that they will be exploring options regarding different rates.

Orange-Person-Chatham Mental Health Lease: Approval of a lease with Orange-Person-Chatham Mental Health (OPC)

Renee Paschal, Assistant County Manager, explained specifics of the request and answered questions from the Board.

Commissioner Vanderbeck moved, seconded by Chairman Lucier, to approve the lease agreement with Orange-Person-Chatham Mental Health with changes to reduce the term to three years and to charge rent in the amount of \$5,000 per year. The motion carried five (5) to zero (0). The lease agreement is attached hereto and by reference made a part hereof.

Public Hearings

Farmland Preservation Public Hearing: Public hearing to receive public comments on voluntary guidelines which may aid in preserving farms in Chatham County. The plan evolves from a study sponsored jointly by the Triangle Land Conservancy and Chatham County.

Sam Groce stated that in 2008 they began processing and looking at ways to help protect the agriculture in Chatham County; that they came across the Triangle Land Conservancy (TLC), the North Carolina Agricultural Development Farmland Preservation Trust Fund, administered by the NC Department of Agriculture Consumer Services; that with the help of TLC and the County, they applied for a grant to develop a Farmland Protection Plan and an Agricultural Economic Development Plan through the County's Agricultural Advisory Board; that the plan is complete; that they hired a consultant to help develop the plan; that it involved a lot of extensive data gathering in Chatham County and extrapolating ideas; that it would make the agriculture industry more sustainable; that there is a misconception that if the plans pass, there will be a lot of required steps; that they are merely toolboxes of ideas that they can use here in Chatham that have worked in other states; that the plan showed places they were having problems and places they were doing a good job and gave them goals to strive for.

Larry Ballas, 139 Indian Creek Lane, Apex, NC, stated that he read through the plan and it is a very good plan from a voluntary point of view; that he doesn't feel like the Board of Commissioners should mandate it; that it is a good resource for farmers; that he hopes they got input from Chatham County farmers; that we need some farm flexibility here in Chatham

County; that one thing missing is the relationship with ag businesses in the Research Triangle Park (RTP) to aid our farmers in the economic development plan; that as long as it is voluntary, he thinks it is a good resource for farmers; and that he hopes we can get into other issues that farms will cause in Chatham such as how outbuildings are handled on farms.

Commissioner Kost indicated that over forty farmers, agriculture service professionals, public officials, and other interested parties were contacted in the development of the plan and that the Agriculture Advisory Board has been very involved in it.

Commissioner Lucier stated that the Cooperative Extension, Agriculture Advisory Board and Triangle Land Conservancy developed the plan as a joint effort through their Working Lands Program; and that it is important for the public to weigh-in when communicating a vision of the board.

Tandy Jones, 1496 Lamont Norwood Road, Pittsboro, NC, stated that he has been working with Sam Groce on this for a long time; that there has been a lot of input from the agriculture community; that he wanted to recognize members of the Agriculture Advisory Board; and that he is very glad to deliver the plan to the Board of Commissioners.

Esta Cohen, 683 Van Der Wiele Thomas Road, Siler City, NC, stated that she is in favor of the plan; that it is well prepared; that she likes the examination of how a development would impact an aquifer a farmer is already using; that the seller's disclosure is a good idea; that she like the zero bond component; that it is difficult to get into farming and this helps as it passes from generation to generation.

Dan Sundberg, 295 Wildflower Lane, Siler City, NC, presented his comments to the Board and provided them in their entirety for the record as follows:

"My name is Dan Sundberg, and I rise in support of the Chatham County agricultural land use plan and Chatham County Economic Development Plan. As a board member with the Economic Development Corporation, Silk Hope Ruritan Secretary, landscape architect who purchases local nursery stock and owner of Red Sun Farm I am in favor of the intent and many of the recommendations within these documents. I believe that they fit well with the Chatham County Economic Development Strategic plan being utilized by the EDC to create and keep jobs in Chatham County.

I am proud of the effort put forth by the Cooperative Extension Service in the preparation of these documents. I believe that a realistic approach was taken toward the desired preservation of farmland. Instead of simply viewing farms as green space, the authors intentionally viewed the land which is currently in farm fields or timber as working farms. This is important because farms are a business. If the owner is losing money the farmland is especially vulnerable to development pressure. We need to help local farmers remain or become profitable. As a member of the Economic Development Commission (EDC) and as a Silk Hope resident, I recognize the importance of the retaining our cultural heritage and the desirable aesthetic of our farms. This desirable aspect of Chatham County is believed to be one aspect that draws business owners and their families as well as visitors to Chatham County.

If the recommendations are ordered in importance and implemented, I believe it will lead to increased profitability for our existing farmers, the establishment of new niche farms including those categorized as sustainable and organic, and new ways for farms that would otherwise become a residential development to remain as a single tract of land for the benefit of the landowner and all the Chatham County residents who simply enjoy the views and the potential economic benefits the working farms bring.

A thank you is extended to the Chatham County Commissioners, NC Agricultural Development and Farmland Preservation Trust Fund, the Triangle Land Conservancy, and the Cooperative Extension Service for funding or otherwise helping with the preparation of these important documents on behalf of myself and the EDC.

Jeffrey Starkweather, 590 Old Goldston Road, Pittsboro, NC, presented his comments to the Board and provided them in their entirety for the record as follows:

“I am speaking as a board member of the Chatham County Economic Development Corporation and its sustainable agriculture cluster committee, as well as a private citizen and smart growth advocate.

I want to first thank you for backing this study. I know you are committed to farmland preservation because it was a key provision in each of your campaign platforms, starting from Mike Cross in 2004 through Sally Kost in 2008.

I also want to thank the working lands committee for all hard work working with our consultant to develop this plan, as well as Sam Groce’s and other members of that committee’s willing to set down with Dianne Reid, Dan Sundberg and myself to answer our questions, to examine in depth the plan’s underlying assumptions and implications and, most importantly, to work collaboratively with the EDC and other government and non-government stakeholders to develop a cooperative strategy and priorities for implementation the economic development aspects of this plan.

As Sam explained to us, the recommendations of this plan have not yet been prioritized into a step-by-step, but instead at this stage consist of tool box of policies, programs, and initiatives that we can use in fashioning a more detailed strategic farmland preservation plan. Thus, I have no reservation in endorsing this board acceptance and/or approval of this plan.

As this results of study demonstrate and farmland preservation experts across the country point out, there are four indispensable elements to farmland preservation: 1) a farm community committed to its preservation as a productive farm community; 2) the vast majority of the residents of the community understand the importance of preserving farms and farmland and are committed to using local government resources for that purpose; 3) a financially sustainable local economy; and 4) required land use tools, including agricultural zoning. This study and its recommendation for a robust farmland preservation plan is strong evidence that we can meet the first indispensable element.

Previous countywide surveys have found that preserving rural character as our residents top public policy priority. The voters overwhelming elected the current board of commissioners on a smart growth and farmland preservation platform. Furthermore, when held public input meetings were held all across the county concerning developing an economic development strategic we continually heard strong support for including preserving and expanding the local farming and a sustainable local food economy as a key part of our strategy. Moreover, a number of recommendations in the economic development portion of this plan have not only already been included in our existing EDC economic development strategy, but were ideas promoted during the development of that plan by citizens, business owners and farmers: integrated marking system, agriculture-based alternative energy development program, public-private development of agritourism, retail and culinary arts center; and farmer recruitment. Thus, there is no question virtually everyone in Chatham is committed to preserving our farms and farmland.

I have just spoken about how some of this plan’s economic development recommendations overlap with those already in the EDC’s strategy. That is a good thing. It means great minds working somewhat independently think alike. More importantly, those of us on the EDC recognize that we cannot preserve farmland without making it possible for farmers and local agriculture enterprises profitable. I believe most Chatham residents understand that but to the extent that they do not we at the EDC are committed to working with the agriculture community to educate our fellow residents on this important point.

Finally, as to the land use portion of this plan, I believe there is major omission in the recommendations – agricultural zoning. Before I go into why this is necessary, let me just add that while I support having the local authority to implement a transfer of development rights program, I do not believe that this is a realistic option for Chatham, at least with a reasonable period of time. That means we will have to rely, instead, on purchase of development right (PDR) to protect valuable farmland from development pressure.

To implement an effective PRD program you need a source of public money to purchase that farm development rights. This is why I would like you to continue pushing our local legislative delegation to seek a local option 1% land transfer tax that would not require a referendum but would stipulate that the county could not be implement its until the impact fees

were eliminated. I would propose that it also be stipulated that a certain percentage of the revenues generated – possibly 15% depending the numbers – be set aside for a farmland trust fund to finance PDRs. This brings me back to agriculture zoning. Because of economics of land development pressure, you cannot protect a farm community even with all these other indispensable elements being me, including a robust PDR, without agriculture zoning.”

Construction & Demolition Landfill Ordinance Public Hearing: Public hearing to receive public comments on a proposed ordinance designed to increase recycling and reused construction, renovation, and demolition material from commercial and residential building

Bob Holden, Waste Management Director, explained that the proposed ordinance, developed by the Green Building Task Force, was designed to increase recycling and reused construction, renovation, and demolition material, at a minimum of 30%, from commercial and residential building.

Anthony Bright, 1305 Walter Bright Road, Sanford, NC, presented his comments to the Board and provided them in their entirety for the record as follows:

“I am a small builder who has grown up on the jobsite, working with my dad. I consider myself to be better than the average builder. My homes are Energy Star Rated. I design them so that a minimum of materials are wasted. I build affordable housing.

I already recycle more than the 30% that this ordinance proposes. My sheetrock goes to a center where it becomes topsoil. My cardboard is recycled. My vinyl siding also goes to a reclamation center.

I use leftover brick and masonry products for fill under concrete. Styrofoam from packaging goes into the attic and is covered with additional insulation. Scrap copper and other metals go to be recycled. Leftover plastics and other unusable items go to the transfer station.

This ordinance forces me to become more average. I already spend more than most builders to recycle leftover materials. I cannot afford to drive to Raleigh to take a small amount of debris to an “approved recycling station”. I will be forced to rent a dumpster to sit on the job that everything goes in to. Indeed, this is already what most (average) builders are already doing.

When this dumpster makes its one and only trip to the facility, the sheetrock and cardboard will be soggy and unusable. This will be the bulk of what is in the container.

There is one additional item that needs to be considered, the additional cost included to permit this new ordinance. It is a cost, along with the current impact fees and watershed permit fees and regulations that makes affordable housing unaffordable.

I would like to see the minimum square footage for the C&D Ordinance raised to 2000 square feet. The existing 1000 square feet could be used for any additions to an existing dwelling since many times there is a significant amount of debris removed during additions.

A 2000 square foot home does not generate a large amount of waste and the average builder is already disposing it as the ordinance would require. Please help to keep affordable housing alive in Chatham County by not requiring the additional permit fees for any structure under 2000 square feet.”

Board of Education Districts/Same as Board of Commissioners’ Districts Hearing: Public hearing to receive public comments on a proposal brought forward by the Board of Education. The proposal is to make the election districts of the Board of Education the same as the Board of Commissioners. Realignment the districts would require legislation from the General Assembly.

Kathy Russell, Moncure, NC, current member of the Board of Education, stated that as long as she has been on the board there has been talk of realigning the districts; that it would alleviate the confusion; that it would split a very large district; that at present there is a four member board and it would be a good time to do it; and that they appreciate the Board’s consideration in this matter.

Jeffrey Starkweather, 390 Old Goldston Road, Pittsboro, NC, distributed a map of current election districts and stated that they include deviations from the mean; that the districts are currently very disproportionate to the population; that there is great confusion among citizens between the Board of Education and the Board of Commissioners' districts; that this was a technical issue; and that the local bill promotes contradictory interpretation.

Larry Ballas, 139 Indian Creek Lane, Apex, NC, stated that common sense says that if we have an opportunity to redistrict we need to do it; one man one vote is a moot point here because we vote at large; that he is in favor of districts and district voting; and that he is in favor of redistricting.

Randolph Voller, 21 Randolph Court, Pittsboro, NC, presented his comments to the Board and provided them in their entirety for the record as follows:

“Although it is not clear whether the Board of Commissioners can or cannot act on the request of the Board of Education to realign their districts to conform with the Board of Commissioners districts, it is clear that current Board of Education districts are quite unbalanced when accounting for population and reliable and standard variations of population.

Realigning the districts would be a simple and elegant solution to such variations in the future as well as allowing citizens to easily identify districts and eliminate problems in the future as populations shift in the County and the region.

In the instant case this evening, there are some deficiencies and irregularities between our local bill that governs the Board of Commissioners and the Board of Education and the General Statutes and the changes on the ground.

1. The local bill references precincts that no longer exist or did not exist when the bill was executed in 1995.
2. The map referenced in the bill is not online and was done around 1990 with some updates made physically on the map.
3. The digitization of the map(s)/precincts and use of GIS have made changes that affect voters.
4. The local bill specifically eliminates the authority of the Board of Education to utilize an intended subsection of the general statute to rectify district issues locally without specifically authorizing the Board of Education and/or Board of Commissioners another remedy.
5. Given a 20-year old map and a 15 year old local bill that appear to eliminate options for the Board of Education and specifically authorize the Board of Commissioners to redistrict to address duplication issues I would request that the Board of Commissioners either adopt a resolution that endorses the Board of Education resolution to match districts or demand the issue to the Board of Election and support their effort to do the same.”

Commissioner Thompson explained that thinking back to 1990, that the current districts were drawn to match the Commissioners' districts; that he represented the two-seated district at that time; that he knows that this district is still two-seated; that at the time, the districts probably did coincide with the Commissioners' districts, the Commissioners' districts were changed, and the Board of Education districts were left the same.

Chairman Lucier stated that the current districts are out-of-date; that he supports the concept of having the Board of Commissioners and the Board of Education districts the same; that after the 2010 Census redistricting, there needs to be a joint Board of Commissioners and Board of Education committee to come up with a plan to accommodate both sets of members. He asked that the County Attorney examine options in detail in terms of acting more swiftly based on the census whether the Board of Education districts can be made identical to those of the Board of Commissioners.

Commissioner Vanderbeck stated that he would support that action.

Commissioner Kost stated that it seems to her that redrawing of the districts for the Board of Education should be a local issue and not a State issue; that she would fully support the Board getting the local control; that she sees some issues with making the districts the same; that in August, 2006 the former Board redrew the Board of Commissioners' districts when they went forth with the district only voting; that she concurs that the Board needs to have a committee to look at this issue, but she would like to see the Board of Commissioners ask the Legislature for local control.

The Chair closed the public hearing.

PLANNING AND ZONING

Subdivision Final Plat Approval of "Briar Chapel, Phase 4, Section 4": Approval of a request by Keith Hurand, Sr., Vice President on behalf of NNP Briar Chapel, LLC for subdivision final plat approval of "Briar Chapel, Phase 4, Section 4", consisting of 37 lots on 13.13 acres located off Briar Chapel Parkway, Baldwin Township

Jason Sullivan, Acting Planning Director, explained the specifics of the request, recommended adding an additional condition for approval, and answered questions from the Board.

Commissioner Lucier moved, seconded by Commissioner Vanderbeck, to accept the Planning Department recommendation and grant final approval of "Briar Chapel, Phase 4, Section 4" with the following conditions:

1. The final plat shall not be recorded until the County Attorney has approved the financial guarantee.
2. The plat shall not be recorded until either sufficient spray irrigation field capacity has been installed to accommodate the current total number of approved lots, including Phase 4, Section 4, the county school site within Briar Chapel and Woods Charter School or a financial guarantee has been submitted and approved by the County Attorney for the installation.

The motion carried five (5) to zero (0).

Subdivision Final Plat Approval of "Briar Chapel, Phase 5, Section 1": Approval of a request by Bill Mumford, Sr., Project Manager, on behalf of NNP Briar Chapel, LLC for subdivision final plat approval of "Briar Chapel, Phase 5, Section 1", consisting of 28 lots on 5.11 acres, located off Briar Chapel Parkway, Baldwin Township

Mr. Sullivan explained the specifics of the request.

Commissioner Vanderbeck moved, seconded by Commissioner Lucier, to accept the Planning Department and Planning Board (by a vote of 9-1) recommendation, and grant final plat approval of Briar Chapel, Phase 5 South, Section 1 with the following conditions:

1. The plat not be recorded until the County Attorney has approved the form and amount of the financial guarantee.
2. The plat not be recorded until the roadways, Serenity Hill Circle and Hill Creek Boulevard, have sufficient gravel for emergency vehicle access in order for the public health and safety to be protected.
3. The plat shall not be recorded until either sufficient spray irrigation field capacity has been installed to accommodate the current total number of approved lots, including Phase 4, Section 4, the county school site within Briar Chapel and Woods Charter School or a financial guarantee has been submitted and approved by the County Attorney for the installation.

The motion carried five (5) to zero (0).

Subdivision Final Plat Approval of “The Hamptons Summit”: Approval of a request by Windjam 23, LLC for subdivision final plat approval of “The Hamptons Summit” formerly (The Hamptons – Phase II), consisting of 49 lots on 93.27 acres, located off SR #1700, Mt. Gilead Road, Baldwin Township

Commissioner Vanderbeck expressed concern with regard to the “Hamptons Owners Association” as a separate owners’ association for Phases I and III as opposed to “Hamptons Summit Owners Association in charge of Phase II.

Mr. Sullivan explained that what is shown on the final plat is not the correct homeowners association; that they will address that on the mylar by changing the owners association to “Hamptons Summit Owners Association”; and their intent is to that there is a different homeowners association for Phase II.

Commissioner Thompson moved, seconded Commissioner Lucier, to accept the Planning Department and Planning Board recommendation to approve the road names *Citori Court* and *Mountain Top Circle* and final plat approval of “The Hamptons Summit”, with the conditions as follows:

1. The final plat shall not be recorded until the County Attorney has approved the financial guarantee.
2. The mylar copy of the final plat shall read “Perpetual Septic Area” instead of “Perpetual Septic Easement”.
3. The mylar copy of the final plat shall show the extent of public and private storm drainage easements per NCDOT requirements.
4. A notation shall be placed on the mylar copy of the final plat to clarify the shaded areas as match-lines for the various plat pages.

The motion carried five (5) to zero (0).

Subdivision Final Plat Approval of “The Knolls”: Approval of a request by Fitch Creations, Inc. for subdivision final plat approval of “The Knolls”, consisting of 28 lots on 19.744 acres, located off SR #1817, Millcroft, Williams Township

Jason Sullivan, Acting Planning Director, explained the specifics of the request.

Bill Sommers, Planning Board Member, stated that he had voted against final approval of the request due to the questions he had regarding the wastewater treatment plant capacity and how surface water runoff within The Knolls was to be handled. He asked that the Board ask for a closer and more detailed analysis of the totality of their operations on wastewater treatment and that an independent analysis of the stormwater potential and stormwater design be done.

Dan Sears stated that all of the figures were presented in the preliminary plat approval and are not a part of the final plat.

Alan Keith, P.E. addressed the questions and stated that the permit for the wastewater collection system extension for The Knolls and Henderson Place had been received prior to preliminary plat submittal in August 2008 and that the plant does have the capacity to serve both projects. He stated that the surface water runoff will be handled by ditch sections and piping and is designed to dissipate in the common areas, that no stormwater devices were located within The Knolls, and that the plan is consistent with the overall stormwater system for Fearington Village.

After considerable discussion, the Board decided, by consensus, to postpone a decision on this matter until their February 15, 2010 Board of Commissioners’ meeting.

Public Hearing

Public Hearing to Consider Amendments to the Zoning Ordinance, Off-Premise Sign Ordinance, and Lighting Ordinance: Public hearing to receive public comments on a request by the Chatham County Board of Commissioners to consider amendments to the Zoning Ordinance, Off-Premise Sign Ordinance, and Lighting Ordinance. The proposed amendments are for changes to temporary signs, non-conforming provisions, internally illuminated signs, and dimensional requirements for signs in the O&I zoning district.

Mr. Sullivan gave an overview of the amendments to the Zoning Ordinance, Off-Premise Sign Ordinance, and Lighting Ordinance. He answered questions from the Board.

Ricky Stambach, 790 Chatham Church Road, Moncure, NC, stated that he is a heating and air conditioning contractor and has been in business for 21 years; that he had a sign out by the highway that was replaced three years ago; that the new sign is smaller and better looking; that he asks that they vote for the amendment and allow for replacement with smaller or equal size signs.

Rita Spina, 12 Matchwood, Fearington Post, Pittsboro, NC, stated that as part of the studio tour, which has been in existence for 17 years, that the acceptance of temporary signs is of great value to them; that it has been an issue for years; that she hopes that this will be clarified through this ordinance; and that they ask for leeway with signage around the courthouse.

Sonny Keisler, 3006 River Forks Road, Sanford, NC, stated that he is in favor of the amendments to the ordinance; that he was previously in real estate and that two of Chatham's economic assets was its close proximity to Research Triangle Park and the universities and its natural beauty as seen from the highways; that the amendments protect roadside beauty and reduce the negative impacts of off-premise signs; and that he hopes for a time limit for off-premise signs within some time frame; and that he hopes more can be done to protect Chatham's roadside beauty.

Mia Munn, 694 Sugar Lake Road, Pittsboro, NC, presented his comments to the Board and provided them in their entirety for the record as follows:

"I want to address the provisions in the sign ordinance dealing with political signs, something I'm sure is near and dear to your hearts. The current law allows political signs from 30 days before elections day till 10 days after, in other words 40 days for the primary and 40 days for the general election. Given the prolonged period of early voting, that's not long enough. The proposed ordinance allows political signs starting on the last day of filing, which this year is February 26, continuously till 100 days after election day, which this year will be November 12. That means political signs would be allowed for 259 days. That is too long. As an alternative, I suggest allowing political signs starting 30 days prior to early voting. That would mean about 60 days for the primary and 60 days for the general election.

My second concern is about the number of political signs allowed. Based on my reading, I am not clear if there are limits on the number of political signs allowed. Would they have the limits for temporary signs, namely only one sign per parcel? Would they be subject to the limits in zoned areas, which are a formula based on the road frontage? My fear is that businesses wouldn't be able to put up any signs because their normal signage would already be at or near the limit. I would appreciate clarification on this issue.

To Ms. Spina's earlier point, per the regulation, only one banner is allowed per parcel, so the courthouse couldn't be wrapped in banners. Maybe that's not enough."

Chair Kost closed the public hearing and stated that this matter will be referred to the Planning Board.

Commissioner Thompson left the meeting.

Conditional Use Permit Request on Farrington Road: Request by Brian Sawyer for a conditional use permit on Parcel #82735, located at 525 Farrington Road, Williams Township, for multiple uses as stated in the application and as allowed in the Table of Permitted Uses for the Neighborhood Business District

Mr. Sullivan explained Mr. Sawyer's request for a conditional use permit on Parcel #82735, located on 525 Farrington Road for multiple uses as stated in the application.

The Chair reviewed the conditions with Mr. Sawyer to determine that he was acceptable with the conditions. Mr. Sawyer replied that he was.

Commissioner Lucier moved, seconded by Commissioner Vanderbeck, to accept the Planning Department and Planning Board (by a vote of 9-1) recommendation, and to include additional wording for Condition #3, "The structure shall maintain a 'residential' appearance, as reviewed by the Chatham County Appearance Commission (CCAC) and to adopt **Resolution #2010-03 Approving an Application for a Conditional Use Permit Request by Brian Sawyer**, attached hereto and by reference made a part hereof. The motion carried four (4) to zero (0).

Conditional Use Rezoning Request on US #15-501 North: Request by Kenneth Hoyle and Floyd Coleman for a conditional use rezoning on Parcel #2759, located at 9555 US #15-501 North, Baldwin Township, from R-1 Residential to Conditional Use Neighborhood Business (CU-NB), on approximately 2.285 acres

Mr. Sullivan explained Mr. Hoyle and Mr. Coleman's request for a conditional use rezoning on Parcel #2759 from R-1 Residential to Conditional Use Neighborhood Business.

Commissioner Lucier moved, seconded by Commissioner Cross, to adopt **An Ordinance Amending the Zoning Ordinance of Chatham County**, attached hereto and by reference made a part hereof. The motion carried four (4) to zero (0).

Conditional Use Permit Request on US 15-501 North: Request by Kenneth Hoyle and Floyd Coleman for a conditional use permit on Parcel #2759, located at 9555 US #15-501N, Baldwin Township, for multiple uses as stated in the application and as allowed in the Table of Permitted Uses for the Neighborhood Business District

Mr. Sullivan explained the specifics of the request for a conditional use permit on Parcel #2759 for multiple uses as allowed in the Table of Permitted Uses for the Neighborhood Business District.

Mr. Hoyle stated that he was in agreement with the outlined conditions.

Commissioner Vanderbeck moved, seconded by Commissioner Lucier, to adopt **Resolution #2010-04 Approving an Application for a Conditional Use Permit Request by Kenneth Hoyle and Floyd Coleman**, attached hereto and by reference made a part hereof. The motion carried four (4) to zero (0).

MANAGER' S REPORTS

The County Manager had no reports.

COMMISSIONERS' REPORTS

Construction and Demolition Landfill Ordinance:

Chair Kost clarified that she stated that the Construction and Demolition Landfill Ordinance Public Hearing was being sent back to the Green Building Task Force; that it also needed to be reviewed by the Solid Waste Advisory Committee; that if it is alright with the Board of Commissioners, it will also be sent to the Solid Waste Advisory Committee.

Retreat:

Chair Kost informed everyone that the Board's retreat will be held on January 20, 2010, January 21, 2010, and January 22, 2010 at Camp Royal, 250 Bill Ash Road, Moncure, NC, beginning at 8:30 AM.

Legislative Meeting:

Chair Kost stated that the Legislative meeting will be held on January 28, 2010 in the Henry H. Dunlap Building Classroom, beginning at 8:30 AM.

Environmental Protection Agency (EPA):

Commissioner Lucier stated that the EPA will be holding public hearings in the not too distant future on changing the ozone standard; that this will have potential impact on Chatham County; that the current standard is .075 parts per million; that this is higher than the .06-.07 that was recommended by the EPA Science Advisory Board; that the new administration is going to hold a public hearing about setting the ozone standard between .06 and .07; that three years ago, Chatham County would have been out-of-compliance; that if the standard comes in at .07, we will be under that and not subject to requirements that it will entail; that if it comes in lower than the .07, there might be some things that have to be done.

Broadband/House Bill 1252:

Commissioner Vanderbeck stated that he attended his first meeting as a member of the State e-NC Authority that was set up by the North Carolina General Assembly to expand broadband service to North Carolina's rural communities and underserved urban areas; that they passed a resolution that would go to the Select Committee hearings currently on House Bill 1252 which, if passed, could essentially block local governments from forming public or public/private partnerships to provide gaps in high speed internet access; that since he has been on that board and more vocal, he has been contacted by the Century Tel/CenturyLink who then met with the County Manager and others and discussed how they will give more attention to Chatham County; that they received updates as to what has coverage and what they expect to have coverage within the next quarter; that they still have to find out whether it actually matches what they know of on-the-ground conditions; and they should be able to do that shortly by comparing a surveys that will be available in the next few weeks.

Chair Kost stated that she would like for someone to investigate why the County cannot tap into existing fiber optic cable. Commissioner Vanderbeck stated that they are saying that any new subdivisions will be fiber optic, within certain conditions, and that e-NC's ten-year goal is to have fiber optic to homes throughout North Carolina; that they said they would work with us and that is something that needs to be developed with the Economic Development Commission to see where we might want them placed and come up with a plan that they can buy into.

Chair Kost stated the fiber optic had been installed but it was installed for Cary.

ADJOURNMENT

Commissioner Cross moved, seconded by Commissioner Lucier, to adjourn the meeting. The motion carried four (4) to zero (0), and the meeting adjourned at 8:27 PM.

Sally Kost, Chair

ATTEST:

Sandra B. Sublett, CMC, CCC, Clerk to the Board
Chatham County Board of Commissioners