The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met in the Central Carolina Community College, Multi-Purpose Room, located in Pittsboro, North Carolina, at 9:00 AM on March 01, 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 9:01 AM.

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 February 15, 2010 Regular Minutes and Item #3, Approval of Green Building and Sustainable Energy Advisory Board Bylaws, be removed from the Consent Agenda to be discussed on the Regular Agenda.

Chair Kost asked that consideration be given to the conveyance of the land for the water line easement from the County to the Southeast Water District.

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

1. Minutes: Approval of Board Minutes for Regular Meeting held February 15, 2010 and Work Session held February 15, 2010

The Board Minutes for the Regular Meeting held February 15, 2010 were removed from the Consent Agenda and placed on the Regular Agenda for discussion.

The motion carried five (5) to zero (0) to approve the minutes for the Work Session held February 15, 2010.


The motion carried five (5) to zero (0).
3. **Green Building and Sustainable Energy Advisory Board Bylaws:** Approval of Green Building and Sustainable Energy Advisory Board Bylaws

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

4. **Solid Waste Advisory Committee Reappointment:** Approval of a request by the Town of Goldston to reappoint Phillip Watson to the Solid Waste Advisory Committee

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

5. **Joint Resolution with the Town of Cary Requesting Safety Improvements to the American Tobacco Trail Crossings in Chatham and Wake Counties:** Approval of a request to adopt a Joint Resolution #2010-13 with the Town of Cary Requesting Safety Improvements to the American Tobacco Trail Crossings in Chatham and Wake Counties, attached hereto and by reference made a part hereof.

**END OF CONSENT AGENDA**

**PUBLIC INPUT SESSION**

**Bob Knight,** Chimney Rock Road, Sanford, NC, asked that consideration be given to placing the district voting on the ballot in November so that we can be ready when the census numbers come in.

Chair Kost stated that it would not be on the ballot this year as the data from the Census will not be available until March 2011; that the Board will study the makeup of the districts; that she has outlined a proposal for the Commissioners to consider, but because of timing, it has not yet been considered. By consensus, the Board agreed that they needed the Census data in order to study the various options and to make a decision in this matter.

Commissioner Lucier stated that they had talked about forming a joint committee between the Board of Education and Board of Commissioners so that they can develop a joint proposal to go before both the Board of Education and Board of Commissioners that would have the same districts for both; that now, it is confusing; that they will ask the committee to look at the issue hybrid systems and district voting and try to get something that both board can agree on.

**Regular Minutes:**

Commissioner Vanderbeck asked that a couple of typos be corrected and that the restructured paragraph on “Internet Access” be substituted for the paragraph in the minutes.

Commissioner Vanderbeck moved, seconded by Commissioner Lucier, to approve the Board Minutes for the Regular Meeting held February 15, 2010 with the noted changes. The motion carried five (5) to zero (0).

**Green Building and Sustainable Energy (GBASE) Advisory Board Bylaws:**

Approval of Green Building and Sustainable Energy Advisory Board Bylaws

Commissioner Vanderbeck questioned not having received the application referred to in the abstract submittal.

Chair Kost asked if Sybil Tate could provide a copy of the application to the Board. Ms. Tate agreed.

Commissioner Vanderbeck referred to the “Conflict of Interest Policy” pointing out that the purpose stated it was protecting the GBASE interest when it should state that it was protecting the County’s interest.

Commissioner Vanderbeck moved, seconded by Commissioner Lucier, to approve the Green Building and Sustainable Energy Advisory Board Bylaws, as amended. The motion carried five (5) to zero (0).
**COMMISSIONER PRIORITIES**

**Resolution Honoring the Service of Gywmn Johnson:** Approval of Resolution Honoring the Service of Gywmn Johnson

Chair Kost relayed excerpts from the Resolution Honoring the Service of Gywmn Johnson, retiring 30- year Health Department Employee and praised the efforts of Ms. Johnson upon her retirement from the Health Department.

Ms. Johnson thanked everyone stating that it had been her privilege to serve the citizens and her coworkers for the last thirty years. She stated that there was not one day in those thirty years that she wished she was working somewhere else.

Commissioner Lucier stated that Chatham County was ranked the fourth in North Carolina’s one hundred counties using approximately thirty-five different parameters to measure health outcomes; that he knows Ms. Johnson and all the other Health Department members have had a lot to do with that; and that he appreciates what Ms. Johnson and all the members of the Health Department have done with little funding.

Commissioner Lucier moved, seconded by Commissioner Vanderbeck, to adopt Resolution #2010-14 Honoring the Service of Gywmn Johnson, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

**Employee of the Month:** Presentation of Employees of the Month

Chair Kost explained that they wanted to discuss a situation that happened approximately one month ago with a 911 call. She stated that the information is normally linked to the agenda; however, this month, at the request of the department head, Tony Tucker, the award was kept a secret to the employees who had been asked to attend the Board of Commissioners’ meeting on the pretense of answering questions regarding the 911 call. The employees had been nominated by their boss to receive the Employees of the Month award. The March employees of the month are Lisa Braxton, Wendy Pulliam, and Tracy Baldwin of the Communications Division of Emergency Operations. These three telecommunicators were instrumental in ensuring the safety of a caller whose boyfriend was chasing her with the intent to shoot her if he caught up with her. An excerpt from her nomination form follows:

“On Friday, January 22, 2010, a woman called Chatham County 911—Telecommunicator Lisa Braxton took the call. The caller was headed north on US Highway #1 and was near Old US 1 (exit 84). She reported that her boyfriend was chasing her, and told her that if he caught her, he would shoot her. She was terrified. When asked, she reported that she was driving 90 miles per hour in an attempt to get away from him.

As the caller continued north, Lisa ascertained what she was driving, what his car looked like, and where she was headed. Soon, the caller headed into Wake County. Wendy Pulliam, on another console, began contacting the Wake County Sheriff’s Office for assistance.

Not long after the caller passed New Hill-Hollemann Road (exit 89), she spotted her boyfriend’s car in the rear-view mirror coming up behind her. As you can imagine, her anxiety level increased tremendously. Lisa continued to stay on the line with her, despite the fact that she was now in Wake County. The caller was advised to take the next exit, which was Hwy 55. When she exited, she turned right and headed toward Holly Springs. Her boyfriend was behind her at the time.

As this is transpiring and Lisa is working to keep the caller calm and focused, Wendy was on the line by now with Apex police. They informed her that the caller was headed toward the Holly Springs jurisdictional area, but that they had officers stationed at the US 1 and Hwy 55 intersection. While Wendy contacted local law enforcement in Wake County, Tracy Baldwin was on yet another line with the State Highway Patrol.

Not knowing whether law enforcement assistance was available ahead of the caller on Hwy 55, Lisa advised the caller to make a U-turn and head back to the US 1 and Hwy 55 intersection where we knew Apex PD was stationed. It was difficult, to say the least, as the caller was not familiar with the area, and we were in Chatham County, not Wake.
Lisa was consistent, patient, and clear with the caller, who did make the U-turn. Her boyfriend did as well, and they made their way back toward US 1. Soon, the caller reported that she saw “blue lights” up ahead. After that, her boyfriend made his move and attempted to shoot her in her vehicle. He fired four shots at her car and missed her. He crashed his car into a bystander’s car, and as law enforcement approached, he shot and killed himself. The caller was cut by flying glass, but was otherwise unharmed. Our call ended when the caller was able to make it to a safe location near law enforcement. All told, this incident lasted approximately 11 minutes.

This is play-by-play rendition of what occurred, but what is not apparent in this narrative is the anxiety and terror in the woman’s voice as the situation escalates. Not only must our telecommunicators deal with dangerous and difficult situations, but they must also do everything they can to keep an emotional caller focused and as calm as humanly possible. The actions taken by our staff to ensure this woman’s safety in light of a number of unknown variables ultimately saved her life.

As a side note, Ms. Lee (the victim) called and talked with Janet Scott, Deputy EM Director/Communications Director on January 26th. She saw the press accounts, and the questioning of the decision to have her turn around. She wanted to let our staff know that she felt that if she had not turned around and went back to law enforcement, she would be dead. She has a five-year-old daughter, and was thankful for the assistance she received from our communications division during this harrowing experience.”

Chair Kost congratulated Ms. Braxton, Ms. Pulliam, and Ms. Baldwin. Ms. Baldwin expressed appreciation at receiving the award stating that it was teamwork and they were proud of their work efforts.

Commissioner Thompson stated that one of his first jobs was in the Sheriff’s Department as a dispatcher; that some people think that as professionals, their jobs are easy to do; that he understands the difficulty in every situation where there literally is a person’s life on the line; that you think about the critical decisions you make, which could make a difference in another person living or not living; that it takes a person who is very calm under pressure, but also have to be thinking clearly and put a lot “what ifs” out of your mind and proceed to make split-second decisions; that it takes a special person to do that; and that he commends them on a job well-done.

Farmland Protection Plan: Discussion and approval of Farmland Protection Plan and the Agricultural Economic Development Plan

Sam Groce, Cooperative Extension Agent-Agriculture, explained that in 2008, Chatham County received a $35,000.00 grant from the North Carolina Agricultural Development and Farmland Preservation Trust Fund to develop a Farmland Protection Plane and Agricultural Economic Development Plan for Chatham County. The Agricultural Advisory Board named a Working Lands Subcommittee to hire a consultant and work with the consultant to develop this plan for Chatham County. Philip Gottwall and ACDS from Columbia, MD was chosen for this job. Data gathering began in early 2009 with public meetings and individual interviews. The final plan was completed in December 2009.

He stated that agents with the Cooperative Extension Service met with agricultural leaders and civic groups to explain the findings of the plans in late 2009. The agriculture groups have expressed positive opinions about the plans. On January 19, 2010, the Chatham County Board of Commissioners held a public hearing on the plans. Speakers at the public hearing also expressed a desire to see the recommendations of the plans implemented. Due to illness of the consultant during the course of developing the plan, the plans timeline was skewed, therefore resulting in the County having to obtain two extensions for the North Carolina Department of Agriculture and Consumer Services on the grant. The final extension calls for the plan development process to be completed by March 31, 2010. The plan must be completed by March 31, 2010 in order to receive payment from the grant.
Commissioner Lucier thanked Mr. Groce and the many others who have worked hard on this over an extended period of time. He stated that on the last page, there a list of priorities listed as #1, #2, and #3; that he feels it is a good table to have as it represents a snapshot in time of what is ongoing and what might be considered priorities #1, #2, and #3 in the future based on this point in time; that he thinks it would be good to qualify that with the following sentence:

“This is meant to be an estimate of priorities in a toolbox, not a firm sequence. It is expected that priorities will change as a consequence of unforeseen circumstances, economic conditions, funding opportunities, and other factors.”

Mr. Groce stated that he was fine with the inclusion. He stated that the entire plan needs to be fluid; that by adoption of this plan, as we are looking at doing conservation easements and pulling some other funding into the County, it reduces the landowner’s cost share of what they have to come up with; that without the plan, if the North Carolina Agricultural Development Farmland Preservation Trust Fund was to place an easement on a farm, the landowner would have to find 30% of the funding from alternate sources; and that with this plan approval, it would be reduced to 15%.

Commissioner Lucier moved, seconded by Commissioner Cross, to approve the Farmland Protection Plan and Agricultural Economic Development Plan with addition of the language on Page 9 of the Executive Summary as follows:

“This is meant to be an estimate of priorities in a toolbox, not a firm sequence. It is expected that priorities will change as a consequence of unforeseen circumstances, economic conditions, funding opportunities, and other factors.”

Commissioner Vanderbeck agreed with the statement saying that he felt that the insertion was needed to give it further clarity and because there are a lot of things happening that would affect how and when this would be implemented.

Chair Kost expressed thanks stating it took a lot of work to pull this plan together and that the end product is something of which they can be proud and work with.

Chair Kost called the question. The motion carried five (5) to zero (0).

**PLANNING AND ZONING**

**Amendments to Zoning Ordinance, Off-Premises Sign Ordinance, and Lighting Ordinance:** Approval of a request to consider amendments to the Zoning Ordinance, Off-Premises 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 Office and Institutional zoning district.

Ben Howell, Planner, explained that the Board of Commissioners directed staff to review the sign regulations in the Zoning Ordinance and propose amendments to address special event signage and non-conforming signs. Planning Staff also proposed amendments to further address other temporary signs, provide additional definitions of signs in the Definitions section of the Zoning Ordinance, clarify the prohibition of internally-illuminated signs and add two exceptions in the Lighting Section of the Zoning Ordinance, and provide additional language addressing non-conforming signage. There are also amendments to the Off-Premise Sign Ordinance addressing non-conforming signage, as well as amendments to the Countywide Lighting Ordinance (adopted September 21, 2009) to correct section references and clarify that internally-illuminated signs are prohibited.

He explained that a public hearing was held on these proposed ordinance text amendments on January 19, 2010. At the public hearing, four citizens spoke in favor of the proposed text amendments. One citizen who spoke at the public hearing was concerned with the amount of time political signs would be allowed to be erected under the proposed text amendments. The current Zoning Ordinance states that all political signs “shall be erected no sooner than 30 days prior to the date of the election and shall be removed not later than 10 working days after the date of the election to which they pertain.” The proposed amendment states that all political signs “shall be erected no sooner than the filing period deadline for the election for which a candidate is seeking office and shall be removed within 10 working days after the date of the election to which they pertain.” Staff prepared the proposed amendments for
political signs to allow as much flexibility as possible and based on previous discussion with the Board of Commissioners, which expressed a desire to allow political signs to be erected during the early voting period. The proposed language prohibiting internally-illuminated signs is a clarification of how staff has been interpreting the existing lighting section of the Zoning Ordinance.

At the Planning Board meeting February 2, 2010, the Planning Board discussed the proposed amendments to the Zoning Ordinance, Off-Premise Sign Ordinance and Countywide Lighting Ordinance. One landowner/business owner attended the meeting with concerns about the proposed internally-illuminated signs provision. The Planning Board made the following recommendations:

The Planning Board recommended by a vote of 9-0 to approve the proposed amendments to the Zoning Ordinance with the following changes:

- Delete Section 15.1 – Definitions
- Section 15.5(9) – Change “10 working days” to “14 working days” for removal of political signs
- Consult with the County Attorney to determine if the County can require signs to be picked up between the Primary Election and the General Election
- Section 15.10 – In the second-to-last sentence of Sections A through E, delete the words “landowner or;” so the sentence(s) read: “No such signs shall be permitted on public property or within public rights-of-way unless authorized by the responsible agency.”

After the vote to recommend the above changes to the Zoning Ordinance Amendments, the Planning Board requested that Planning Staff provide more information regarding internally-illuminated signs for further discussion at a future Planning Board meeting.

By consensus of the Planning Board after the vote was complete, the Board recommended the following change to Section 9.4(1)(f) of the Zoning Ordinance: delete the word “replaced” so the provision reads as follows: “Non-conforming Signs: Any permanent, on-premise sign may be repaired or relocated on the property, provided that the repaired or relocated sign does not exceed the size (square footage) or height of the original sign.”

The Planning Board recommended by a vote of 9-0 to approve the proposed amendments to the Off-Premise Sign Ordinance with the following changes:

- Do not delete Section 106.00(A)(5).
- Section 109.00(B) – Delete the word “replaced” and add a sentence so the provision reads: “Any off-premise sign may be repaired or relocated on the property it is located, provided that the repaired or relocated off-premise sign does not exceed the size (square footage) or height of the original sign. Any off-premise sign that is replaced shall conform to this ordinance.”

The Planning Board recommended by a vote of 9-0 to approve the proposed amendments to the Countywide Lighting Ordinance with the following recommendation:

- Planning Board and Planning Staff will revisit internally-illuminated signs at the next Planning Board meeting.

In an email dated February 3, 2010, the County Attorney recommended the following changes to the proposed Zoning Ordinance Amendments:

- Section 7 – Informational Sign definition should read “Any sign which contains no commercial or advertising message that is located on-site providing information as required by regulatory authorities and/or other public entity.
- Off-Premise Sign definition should read “Any sign that indicates direction to, advertises or otherwise identifies any property, structure or use not located on the same parcel as sign.”
The County Attorney has also been advised of the Planning Board concerns regarding political signs.

Planning staff recommends approval of the proposed text amendments to the Zoning Ordinance, Off-Premise Sign Ordinance and Countywide Lighting Ordinance with the changes to the Zoning Ordinance (Section 7, Definitions) as recommended by the County Attorney.

The Planning Board recommended by a vote of 9-0 to approve the proposed amendments to the Zoning Ordinance with the following changes:

- Delete Section 15.1 – Definitions
- Section 15.5(9) – Change “10 working days” to “14 working days” for removal of political signs
- Consult with the County Attorney to determine if the County can require signs to be picked up between the Primary Election and the General Election
- Section 15.10 – In the second-to-last sentence of Sections A through E, delete the words “landowner or,” so the sentence(s) read: “No such signs shall be permitted on public property or within public rights-of-way unless authorized by the responsible agency.”

By consensus of the Planning Board after the vote was complete, the Board recommended the following change to Section 9.4(1)(f) of the Zoning Ordinance: delete the word “replaced” so the provision reads as follows: “Non-conforming Signs: Any permanent, on-premise sign may be repaired or relocated on the property, provided that the repaired or relocated sign does not exceed the size (square footage) or height of the original sign.”

The Planning Board recommended by a vote of 9-0 to approve the proposed amendments to the Off-Premise Sign Ordinance with the following changes:

- Do not delete Section 106.00(A)(5).
- Section 109.00(B) – Delete the word “replaced” and add a sentence so the provision reads “Any off-premise sign may be repaired or relocated on the property it is located, provided that the repaired or relocated off-premise sign does not exceed the size (square footage) or height of the original sign. Any off-premise sign that is replaced shall conform to this ordinance.”

The Planning Board recommended by a vote of 9-0 to approve the proposed amendments to the Countywide Lighting Ordinance with the following recommendation:

- Planning Board and Planning Staff will revisit internally-illuminated signs at the next Planning Board meeting.

There was discussion regarding Political Signs, Non-Conforming Signs and Internally-Illuminated Signs. The outstanding issues are:

- Non-Conforming Signs: which signs to grandfather, amortization clause(s), whether to allow relocation of non-conforming signs or not
- Political signs: allowing signs to be erected at filing deadline is too soon – would prefer 30 days prior to first day of early voting period; clarify (in Definitions (section 7) or in Temporary Signs section (Section 15.10) that political signs are not treated the same as temporary signs; Give 14 working days for removal of political signs (instead of 10 working days)
- Temporary Signs: would more than 1 sign be allowed for parcels with more than 1 street/road frontage (corner lots)
- Further discussion is needed on proposed amendments to Off-Premise Sign Ordinance for non-conforming signs – need to further discuss whether to delete section 106.00(A) as staff recommended (Planning Board recommended to keep provision)
Further discussion is also needed on the prohibition of internally-illuminated signs in the Lighting Section of the Zoning Ordinance and the Countywide Lighting Ordinance. The Board of Commissioners will wait to hear the discussion from the Planning Board on this item.

Chair Kost asked that the Planning Department return with a statement of the outstanding issues and a couple of options as to how the Board can treat them.

Conveyance of the Easement for the Southeast Water Line from the County to the Southeast Water District:

Vicki McConnell, Finance Officer, explained that the closing on the USDA borrowing for the Southeast Water District is scheduled to take place on March 16, 2010. In making sure that all the paperwork was in proper order, it was discovered that the easements for the installation of the water lines within the District were acquired in Chatham County’s name. USDA has confirmed that those easements have to be in the Southeast Water District’s name; and that the easements now need to be transferred from the County to the Southeast Water District.

Commissioner Lucier moved, seconded by Commissioner Vanderbeck, to convey the easements from the County to the Southeast Water District where the Southeast Water District lines run. The motion carried five (5) to zero (0).

MANAGER’ S REPORTS

The County Manager reported on the following:

Catawba County Eco-Center:

A trip has been scheduled for March 22, 2010 to Catawba County to visit the Eco-Center. Times will be confirmed at a later date and the meeting will be advertised according to the Open Meetings Law.

COMMISSIONERS’ REPORTS

Chatham Central State Wrestling and Northwood Swimming Championships:

Commissioner Lucier stated that Chatham Central wrestlers Shelton Sales and Carson Joyce won the state wrestling titles in their respective weight classes tonight. Great accomplishment for both young men...and they’ll both be back next year.

Northwood High School Swimmers State Championship:

Commissioner Lucier stated that Cassie Meyer, Carson Jones, and Philip Straughn competed at the 1A/2A State Swimming and Diving Championships on Friday, February 12 and Monday, February 15. Cassie Meyer finished in second place in the Diving Competition. In the 1A/2A State Swimming Championship on Monday, Carson Jones finished in 1st place in the Breaststroke and in 3rd place in the 50 Free Style. Philip Straughn finished in 4th place in the 100 Backstroke and in 7th Place in the 50 Free Style. Congratulations to these Charger Swimmers and Divers for bringing home three medals at the 1A/2A State Swimming and Diving Championships.

He stated that the Board might like to honor the recipients with a resolution in their honor at some future date.

Triangle J Legislative Goals Committee:

Commissioner Cross stated that his proposal to the Triangle J Legislative Goals Committee and the Executive Committee went very well; that they currently are soliciting all the seven counties and municipal goals through a screening committee on which the County Manager will sit; that he hopes to sell it to the entire Board of Delegates at their meeting this month; that the Legislative Goals Committee will meet again in April to try to determine the
common goals; and that he understands the Association has also passed it on to other Council of Governments which have an interest.

**Economic Developers Meeting:**

Commissioner Lucier stated that Jason Jolly and he spoke at the University of North Carolina in Chapel Hill to economic developers, political scientists, and members of other county governments; that he received a note stating that Chatham County’s Incentive Policy should be a model for other counties; that Orange County wants them to speak to them because they feel they should adopt something similar for their economic development incentive policy; and that once again, Chatham County is leading the way.

**Rockingham County Business and Technology Center:**

Commissioner Vanderbeck stated that Dianne Reid and he went to Rockingham County on Friday to visit their business and technology center; that it is quite an impressive center; that they have done a lot with grants; that it works with the community college and with the county; and that it might be something that the County’s Economic Development Commission wants to promote to go after grant funding, etc.

**Water Tower Access Agreement:**

Commissioner Vanderbeck stated that he attended a staff meeting regarding a water tower access agreement that they have been working on a long time; that he is hopeful that within a month or less, it may be able then be rolled out and could accommodate a broadband pilot program in a section of the County.

**Southern Growth Policy Center:**

Chair Kost stated that on March 17, 2010, the Southern Growth Policy Center is hosting a forum on the Road to Recovery and that the Town of Siler City has agreed to help cosponsor it.

**Zoning Board of Adjustment Appeal:**

The County Manager explained that the Board would need to set a date for the Zoning Board of Adjustment to hear an appeal.

Commissioner Thompson moved, seconded by Commissioner Lucier, to set April 5, 2010, 1:00 PM, as the date on which to hear an appeal on an internal lighting issue by the Zoning Board of Adjustment. The motion carried five (5) to zero (0).

**ADJOURNMENT**

Commissioner Vanderbeck moved, seconded by Commissioner Lucier, to adjourn as the Chatham County Board of Commissioners and convene as the Southeast Chatham Water District Board. The motion carried five (5) to zero (0), and the meeting adjourned at 10:25 AM.

Sally Kost, Chair

ATTEST:

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