

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
AUGUST 15, 2011

The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met in the Agricultural Building Auditorium, 45 South Street, Pittsboro, North Carolina, 6:00 PM on August 15, 2011.

Present: Brian Bock, Chairman; Walter Petty, Vice Chair;
Commissioners Mike Cross, Sally Kost, and Pamela Stewart

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

INVOCATION AND PLEDGE OF ALLEGIANCE

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

CALL TO ORDER

Chairman Bock 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.

- Chairman Bock asked that Item #7, Deputy Clerk Appointment be removed from the Consent Agenda and placed on the Regular Agenda for discussion and vote.

Commissioner Kost moved, seconded by Commissioner Cross, to approve the Agenda and Consent Agenda with the noted request as follows:

1. **Minutes:** Approval of Board Minutes for the Regular Meeting held August 01, 2011 and Work Session held August 01, 2011

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. **Enhances Ethernet Services:** Approval of a 36-month lease from Centurylink in the amount of \$2,104 per month (\$75,816 for 36 months) and a \$72 one-time fee for doubling the ethernet speed, attached hereto and by reference made a part hereof.

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

4. **Home and Community Care Block Grant:** Approval of the Home and Community Care Block Grant for fiscal year 2011-2012 as recommended by the Committee, attached hereto and by reference made a part hereof.

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

5. **Recreation Advisory Committee Recommendations:** Approval of the Recreation Advisory Committee recommendations on term transition to three years, attached hereto and by reference made a part hereof.

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

6. **Chatham County Primary Youth Sports Provider:** Approval of the Chatham County Primary Youth Sports Provider, attached hereto and by reference made a part hereof.

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

7. ~~**Deputy Clerk Appointment:** Approval to appoint Lindsay Ray as Chatham County Deputy Clerk~~

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

END OF CONSENT AGENDA

PUBLIC INPUT SESSION

Louis Teleky, 5097 Old US #1, New Hill, NC, presented his comments to the Board and provided them in their entirety for the record as follows:

“In Chatham County, we as drivers are required to share the road with bikers, but these bikers appear not to have to share the road with us drivers. I once asked one of our county law enforcement officers what was the rule for passing a biker on the road both single riders and riders riding double and triple side-by-side. She told me that I was supposed to blow my horn and they move in to single file and over to the edge of the road. Well I'm here to tell you this does not happen. If anything they will move more out into the road or give you the bird. This does not include all because some will move over so that you can pass, but around Moncure, Merry Oaks, and Jordan Lake it seems to be a real problem. The bikers will ride double, or triple side-by-side, and lately they will ride close to the center line forcing cars all the way into the oncoming traffic lane, more so with the bike clubs. Also it has become harder with bike packs when 10 to 30 or more ride in groups and you can't pass them.

Then when you do get a chance to pass, I've had them cross the center line in front of me where I had to hit my brakes. This does not bother me if we were on roads 35 mph or less. But on roads 45 to 55 mph, a lot of times you don't see bike riders on higher speed roads till you are on them due to hills and curves. Let's try to make it safer for all of us on roads 55 mph.

First, no pack riders on roads of 55 mph or more unless they are in a race and then they must have a police escort. Second, on all roads, regardless of speed they should stay within 1½ feet of the edge of the road or curve, not the white line. Third, all bikers, when on roads over 30 mph, should have blinking lights. I have noticed that this draws your attention quicker making it safer for you and the bike riders. Fourth, no double or triple riding on roads over 45 mph. And finally, if riders are on the road after sunset that they MUST have bike light along with the blinking lights. I believe this will make it safer for both the driver and the bikers around Moncure, Merry Oaks, and Jordan Lake. We are very lucky that no one has been hurt yet, but just some close experiences. Thank you.”

Cindy Dameron, 11080 Highway 64 West, Siler City, NC, presented her comments to the Board and provided them in their entirety for the record as follows:

“Rezoning consideration for owner George and Karen Phillips and perspective buyer Thomas Rogers Distiller's sale contingent on rezoning/special use for conditional use:

We understand that the purpose of zoning is to promote health, safety and the general welfare of the county. With this understanding regulations may be used in regards to open spaces, density, land for trade, residence or other purposes. The zoning along Hwy. 87 North specifically 170 TC Justice Road property containing 10.82 acres with a home built in 1908 and other out buildings, falls into one of your zoning areas.

We are here tonight to request that you enact Statute 153A-330 Grant of Power that allows you to allow us to use this property for bona fide farm purpose including the production and activities relating to or incidental to the production of crops, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry and other forms of agricultural products.

The distillery plans on bringing this abandoned dairy farm back to life. Put the land back in production of crops as well as contact other Chatham County farmers to grow for them and bring additional income to farmers that have recently lost contract income. Many wineries throughout the state as well as other farm businesses have used this statute successfully and are now in full production.

The distillery plans on employing 30 to 50 to get started. They currently have the support from NC Division of Tourism, Film and Sports Development as well as the Governor's office. We are ready to begin this project today on the TC Justice property; all we need is your approval/enactment of 153A-340 Grant of Power.

Thank you in advance for your consideration. Cynthia Dameron”

Chairman Bock asked if the problem now is that it is not currently zoned for this to be done. Ms. Dameron replied that was correct.

The County Manager stated that they would need to request rezoning which would take, with the application, approximately 30-45 days.

Commissioner Kost asked if a distillery was a permitted use in the Zoning Ordinance. The County Manager explained that that would be part of the review process.

Ms. Dameron stated that the distillery would come under “farm production” the same as a winery. Commissioner Kost stated that we have had issues with wineries and are supposed to be getting a report regarding changes.

Bill Rogers, 4729 Thom Road, Mebane, NC, stated that they plan to create 30-40 jobs during the first eighteen months and 40-50 auxiliary and other agricultural jobs. He stated that they are a farm that is in the distilling business. They will grow crops on the farm and distill the crops. They will not use any city water as they have their own well water. The waste that they will have from cleaning out the still, mash, corn, and other byproducts, does not go into the landfill. They have their own water, and own source of disposal. The Department of Commerce and Governor’s Office are excited about the project because they are creating agricultural jobs and jobs that are desperately needed in the County.

Chairman Bock stated that he like the idea of creating jobs; however, we may have to go through rezoning.

The County Attorney asked Mr. Rogers if he had spoken with the Planning Department. Mr. Rogers replied that he had. The County Attorney asked if they had told him that he needed a rezoning or other action. Mr. Rogers stated that they didn’t comment on it either way which is why they brought the statute that other wineries have used that come under the agricultural farm permit.

The County Attorney stated that generally, County zoning doesn’t cover bonafide farms. Mr. Rogers replied that it is 1,500 feet from Highway 87.

Ms. Dameron stated that she felt the main problem was the zoning in that area.

The County Attorney stated that he would take a look at it this week as it might be that if they are a bonafide farm, they are not covered by the County zoning.

Chairman Bock asked the County Manager to speak with the Planning Director regarding this matter.

DEPUTY CLERK APPOINTMENT

Commissioner Cross moved, seconded by Commissioner Petty, to appoint Lindsay Ray as Chatham County Deputy Clerk. The motion carried five (5) to zero (0).

BOARD PRIORITIES

Grand Trees of Chatham Awards Ceremony:

Stacy Gray, Grand Trees of Chatham Board Chair, presented a PowerPoint of the grandest trees in Chatham County. She reviewed the Grand Trees of Chatham Mission, the Grand Trees Program, education and outreach. She presented awards for Meritorious Trees, Landmark Trees, and Champion Trees. Chairman Bock and Walton Haywood, Grand Trees of Chatham Vice Chair presented the awards and certificates.

A copy of the PowerPoint follows:

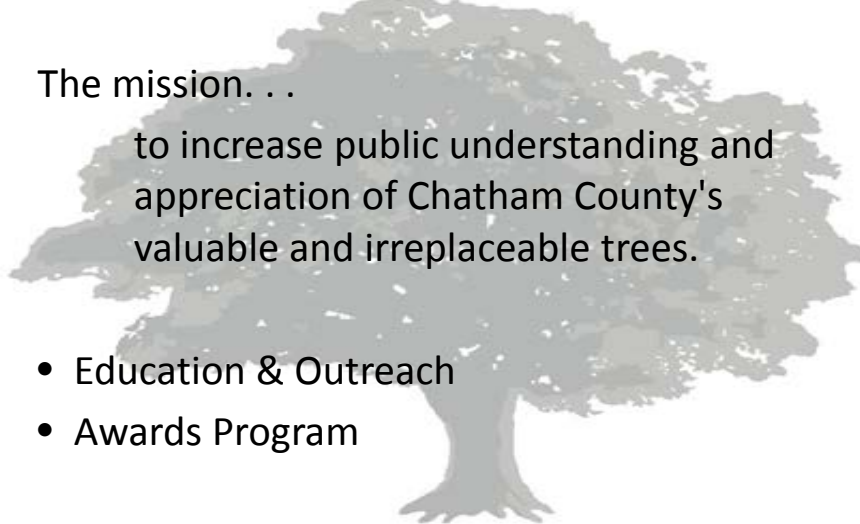


Grand Trees of Chatham

The mission. . .

to increase public understanding and appreciation of Chatham County's valuable and irreplaceable trees.

- Education & Outreach
- Awards Program



Education & Outreach



Awards Program

- Citizens nominate trees
 - Champion
 - Historic
 - Landmark
 - Meritorious
- Judged by tree professionals
- Trees meeting criteria are awarded Grand Tree



Meritorious Tree



Gilda McDaniel

Willow Oak *Quercus phellos*

293 Points NC State Champ 423 Points

Meritorious Tree



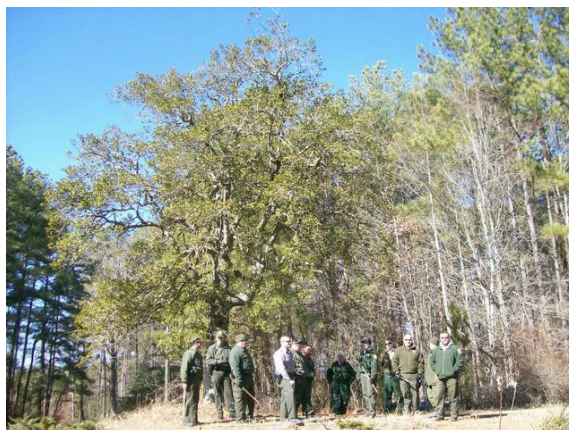
Linda Smith and Warren Wheeler
American Beech *Fagus grandifolia*
223 Points NC State Champ 322 Points

Meritorious Tree



Chatham County
American Hackberry *Celtis laevigata*
237 Points NC State Co-Champs 254 & 261 Points

Meritorious Tree



The Ebenezer Church Community, Past and Present
American Holly *Ilex opaca*
121 Points NC State Champ 213 Points

Meritorious Trees



Shakori Hills Community Arts Center

Mature Stand of Trees with Educational and Community Value
Post Oak *Quercus stellata* , White Oak *Quercus alba*, Willow Oak *Quercus phellos*

Landmark Trees



Tim Sweeney

Chestnut Oak Forest at Historic Ore Hill

Champion Tree



The Lassiter Family

Willow Oak *Quercus phellos*

341 Points NC State Champ 418 Points

Champion Tree



Peter Naylor and The Justice Family

Tulip Poplar *Liriodendron tulipifera*

360 Points NC State Champ 424 Points

Champion Tree



Judith Ortiz

American Hackberry *Celtis laevigata*

258 Points NC State Co-Champs 254 & 261 Points

Thank You!

- NC Division of Forest Resources
and NC Urban & Community Forestry Program
- Al Cooke, Chatham Cooperative Extension
- Chatham Board of Commissioners
- Keith Nunn, North Carolina Signs
- Board Members and Volunteers

Ms. Gray thanked the Board for allowing the Grand Trees Award Ceremony. She stated that if anyone would like to have more information, would like to nominate a tree, or would like more information, please contact them as they are on the County website or at GrandTrees@chathamnc.org

Planning Board Appointment: Approval of a request to appoint Allison Weakley to the Planning Board by Commissioner Cross

Chairman Bock stated that typically nominations for appointments are on the Consent Agenda. He stated that he had given this appointment a lot of thought and had asked that it be placed on the Regular Agenda. Commissioner Cross has requested that Allison Weakley be appointed to the Planning Board. He stated that he did not have anything personal against Ms. Weakley or Commissioner Cross, stating that he was going to have to say no to this appointment. One of the reasons he is where he is, he stated, is that he always felt that the County was unfriendly to business and was unbalanced in some of the regulations regarding the Planning Board and that the Environmental Review Board had an attitude. Right or wrong, the perception was that they had an attitude of saying “no” first and making it difficult for people. He stated that he felt Ms. Weakley was a big part of the Environmental Review Board and in putting in a lot of those regulations. He stated that he feels that saying “yes” to this appointment goes against everything for the reasons he is a commissioner. He doesn’t know that it would be a good balanced appointment. He feels that it is setting a bad precedent to say “no” to another commissioner’s nomination, but he is going to have to do so in this case.

Commissioner Kost spoke in support of the nomination. She stated that as indicated, it has been the tradition of this Board, when a person is nominated, to accept the nomination. She stated that she has recently voted for some nominations that she would not have supported for many of the same reasons but it has been the normal procedure for this Board. She stated that she has also known Ms. Weakley for approximately eight years. She is incredibly dedicated to environmental causes and issues in Chatham County. She believes that she would bring an incredible amount of balance to the Planning Board in raising issues that need to be raised. She feels that she would serve the Planning Board very well. She knows County ordinances inside and out. Commissioner Kost stated that she doesn’t think there is a person that is any more qualified than Ms. Weakley to serve on the Planning Board, so she will be supporting the nomination.

Commissioner Cross stated that he has had this done once before when he made a nomination so it is not the first time it has ever happened; however, he does feel that Ms. Weakley is eminently qualified and he is proud to nominate her for this position.

Commissioner Cross moved, seconded by Commissioner Kost, to appoint Allison Weakley to the Chatham County Planning Board.

Commissioner Petty stated that he tried to contact Ms. Weakley this week but she was on vacation. When she got home and returned his call, he had not gotten in. He stated that balance was something that concerned him. He tried to get in touch with her as he wanted personally to have some dialogue with her to get a better understanding. He attended a presentation that she did on July 21st. It was a summary report from the Comprehensive Conservation Plan for Chatham County. He didn’t see the balance there. That concerned him and is the reason he wanted to have the conversation with her. The question was asked at the meeting, “What data do you have in your summary for growth?” Her response was “none”. We have environmental issues that are of concern in Chatham County, but the answer to addressing those environmental issues is not “no growth” or “no businesses” or “nothing that impacts our environment”. The solution is a controlled sustainable growth that gives us balance and minimized impact. Man has been impacting this earth ever since he was placed here and always will be. The answer to it is a balanced growth that minimizes impact because we are not going to stop it. Recent census report shows that in Wake County, where his son is looking for housing, they are expecting 35% growth which will bleed over into Chatham County. Fort Bragg is adding 38,000 troops which will work its way into Chatham County. There will be an impact on Chatham County. What they need to do as a board, citizens, or advisory committees is to minimize that impact as much as possible with balanced, controlled, sustainable growth. He stated that he didn’t get that in that presentation which is the reason he wanted to have the conversation with Ms. Weakley. With that being said, he stated that he feels it goes against the direction that they want to try to take, not that they don’t want to have environmental issues addressed but neither do they want to stand

in the way of the growth that the County needs to provide a tax base to fund the things that the County has and is obligated to do.

Commissioner Cross offered to withdraw his motion to be considered at a later meeting if the Board feels like they would like to have more time to speak with Ms. Weakley.

Commissioner Kost stated that she felt it would be beneficial for Board members to talk with Ms. Weakley. She stated that she attended the session later in the day on the Conservation Plan. What she heard was that she wasn't against growth, when the question arose about what data was put in for growth, there was none. She stated that she wanted to make sure that Commissioner Petty understood what she was saying as she heard something a little differently later in the day and it could have been the way it was presented.

Chairman Bock stated that it was not just the one presentation. He stated that he thinks she means well and she believes what she says, but there are very few times they are able to go back and research an appointee/nomination like they have on this one. She was very instrumental in a lot of the Environmental Review Board rules that he feels are too heavy. Commissioner Lucier, at the time they were implemented, thought they were too strict. Her response was that they could always change them later. He doesn't want the thought process of "let's clamp down" on all economic development because it will have some impact. He stated that he thinks she has years of that history of getting to "no" first rather than getting to "yes" first. He stated that more time would not help him. He has years of watching the process.

Commissioner Kost stated that she had worked side-by-side with her and she doesn't have the same observation.

Commissioner Stewart stated that she researched some past records. She stated that she doesn't know Ms. Weakley but she seems to be a very bright, intelligent individual in the things on which she has reported. There is nothing that she can say personally that she finds wrong with her. It is her views. She stated that her concern was her heavy handedness. We need growth in Chatham County in order to survive. We can't continue the way we are going. We are going to have a board that can work together to come to a decision by which everyone can live. Ms. Weakley has made it clear throughout her career in some of the things she has said how she stands that growth is not something she would like to see in Chatham County. We do not want to throw something into this particular board that is going to hinder everyone and make it very difficult to come to a decision. There is a mid-ground and a balance. She wonders if this appointment will hinder the board more than help them work together. She stated that they wanted the best ways; they did not want to just open it up to anything and anyone to come here. We need to make sure we have individuals on boards that can work together.

Commissioner Kost reiterated that she has voted for some Board appointments that she did not support because she did not support the requested appointee's point-of-view. During the campaign, she stated that she heard that the Board wanted to have different points-of-view. She stated that she feels that this is what the Board would receive and would help the Planning Board in its decision making. This is in an advisory capacity. She will continue to be in the minority on the Planning Board if she is appointed. The Board will still get the recommendations from the majority that the Board has appointed but it will enlighten the decision-making process with more information.

Chairman Bock called the question. The motion failed three (3) to two (2) with Commissioners Bock, Petty, and Stewart opposing.

MANAGER' S REPORTS

The County Manager had no reports.

COMMISSIONERS' REPORTS

Resolution Regarding Fracking:

Commissioner Kost stated that she would be bringing forth a resolution for consideration regarding the General Assembly coming back into session and will be taking up the issue that

will impact fracking and the veto. She stated that she was still working on the resolution and asked that it be added to the September 06, 2011 Agenda.

Green Energy Council:

Commissioner Petty stated that Mr. Ralph Avallone will also be on the September 06, 2011 Board of Commissioners' Agenda.

Fracking:

Commissioner Petty stated that Mr. Avallone will also be bringing Mr. Lew Fromkin to address fracking issues.

North Carolina Association of County Commissioners Conference:

Commissioner Cross reminded everyone that he would be attending the 104th Annual North Carolina Association of County Commissioners' Conference in Cabarrus County from August 18-21, 2011.

Regular and Work Session Agenda Procedures:

Commissioner Stewart asked if there were written procedures/guidelines with regard to what is placed on the regular Agenda and the Work Session Agenda.

Commissioner Kost stated that typically, Work Session Agendas include areas where we had more informal discussions. What raised the issue, she stated, was the "Budget Critique" which was moved to the Work Session Agenda appropriately.

American Tobacco Trail Buffers:

Commissioner Stewart stated that she had received a lot of emails on the buffer issue for the American Tobacco Trail and about increasing it from 50 to 200 feet. Chairman Bock stated that it was now 100 feet.

Commissioner Stewart asked if it should be an item for discussion. Chairman Bock stated that it was the Joint Land Use Plan that was being discussed and would be discussed during the Joint Chatham-Cary Subcommittee meetings.

World Trade Center:

Commissioner Stewart stated that on September 11, 2011, there will be a ceremony at Joy Baptist Church honoring the First Responders in Chatham County at 3:00 PM. A piece of the World Trade Center remains will be there. Further information will be forthcoming.

Charity Clothing Line:

Chairman Bock stated that Glenn Beck is trying to start a charity clothing line where they manufacture clothes in the United States, and that they were originally going to be made in Mount Airy. There was some "push back" so he stated on his radio program that he was going to open it up to small towns across America that might be suitable for a textile business. He stated that he had contacted the EDC to put together some letters saying that the County has interest in placing it in Siler City. Letters have been written by Mayor Johnson in Siler City and himself. Mr. Beck's radio station has been contacted by the EDC. He stated that it was a "long shot" but they wanted to see what they can do.

American Tobacco Trail:

Commissioner Kost asked if the Board would write a letter to the Department of Transportation requesting that the "No Parking" signs on Pittard-Sears Road be taken down. She stated that the Cary staff supported the request as well, as it is a "dead end" street and would help alleviate some of the pressures.

By consensus, the Board agreed.

ADJOURNMENT

Commissioner Cross moved, seconded by Commissioner Petty, to adjourn the meeting. The motion carried five (5) to zero (0), and the meeting adjourned at 6:53 PM.

Brian Bock, Chairman

ATTEST:

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