

**MINUTES**  
**CHATHAM COUNTY BOARD OF COMMISSIONERS**  
**REGULAR MEETING**  
**NOVEMBER 07, 2011**

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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 November 07, 2011.

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

Absent: Commissioner Pamela Stewart

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

Commissioner Kost stated that Item #18, **Purchase of Emergency Response Vehicle-Tax Exempt Borrowing**, was discussed and action taken during the afternoon Work Session and would need to be removed from the Agenda.

The County Manager stated that Item #19, **Chatham County Sheriff’s Office Vehicle Purchase**, appears to be non-controversial and has already been budgeted. He asked that it be moved to the Consent Agenda.

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

1. **Minutes:** Approval of Board Minutes for the Regular Meeting held October 17, 2011 and for the Work Session held October 17, 2011

The motion carried four (4) to zero (0).

2. **Appointments to Personnel Advisory Committee:** Vote on appointment of four members to the Personnel Advisory Committee:

- Angela Birchett, Planning
- Charles Gardner, Sheriff
- Karen Jones, Tax Administration
- Tony Wilson, Planning

The motion carried four (4) to zero (0).

3. **Tax Releases and Refunds:** Vote on tax releases and refunds, attached hereto and by reference made a part hereof.

The motion carried four (4) to zero (0).

4. **Board of Commissioner Retreat Dates:** Vote on staff recommendations for retreat dates.

Day 1: Wednesday, January 11, 2012

Day 2: Thursday, January 12, 2012

Day 3: Thursday, January 19, 2012

The motion carried four (4) to zero (0).

5. **Budget Amendment to add CJPP Funds:** Vote on accepting funds from the NC Criminal Justice Partnership Program (CJPP) to administer substance abuse treatment services for intermediate-sanctioned offenders

The motion carried four (4) to zero (0).

6. **Chatham County Community Advisory Committee (CAC) - Joint Committee on Nursing Homes, Adult Care and Family Care Homes Appointment:** Vote on appointment of Paula Pier to CAC-Joint Committee on Nursing Homes, Adult Care and Family Care Homes, a full-Board appointment

The motion carried four (4) to zero (0).

7. **Board of Health Appointment:** Vote on appointment of John M. Kessler, by the full-Board, to the Pharmacist Seat on the Chatham County Board of Health to fill an unexpired term 11-21-11 through 06-30-12

The motion carried four (4) to zero (0).

8. **Planning Board Appointment:** Vote on appointment of Donna Kelly by Commissioner Stewart

The motion carried four (4) to zero (0).

9. **License Agreement with Chatham Lumber Company:** Vote on agreement with Chatham Lumber Company

The motion carried four (4) to zero (0).

10. **Chatham County Sheriff's Office Vehicle Purchase:** Vote on the purchase of eight vehicles on state contract #070B in the amount of \$190,325.00

The motion carried four (4) to zero (0).

**END OF CONSENT AGENDA**

**PUBLIC INPUT SESSION**

**Beth Kricker**, 224 Buteo Ridge, Pittsboro, NC presented her comments to the Board and provided them in their entirety for the record as follows:

“Board of Commissioners, People of Chatham County, My name Is Beth Kricker. I have lived in Chatham County close to 20 years.

I would like to quote from excerpts from a speech given by Chris Hedges on September 30, 2011. Mr. Hedges, is a foreign correspondent for the last 15 years for the New York Times and many other news media.

I quote "There are no excuses left. Either you join the revolt taking place on Wall Street and in the financial districts of other cities across the country or you stand on the wrong side of history.

To be declared innocent in a country where the rule of law means nothing, where we have undergone a corporate coup, where the poor and working men and women are reduced to joblessness and hunger, to stand on the sidelines is to be complicit in this radical evil. To stand on the sidelines is to do nothing to help the oppressed and the suffering.

Choose, but choose fast. The state and corporate forces are determined to crush you. They are not going to wait for you. They are terrified this will spread.

While the mandarins in Brook's Brother's suits in every single financial district use your money, one in four children depend on food stamps to eat.

Those on the streets around Wall Street are the physical embodiment of hope. They know that hope has a cost. It is not easy. But as long as they remain steadfast they point the way out.

They Are The Best Among us.

"We cannot turn back." Michael Moore"

**Robert Sears**, 454 Lewter Shop Road, Apex, NC, stated that he knows of four ways to say "no". He stated that he has said no to the Board of Commissioners putting the mixed use place land on their families' land at least ten times. He stated that he even brought a petition signed by his family members. It was very easy to see where their land is. He stated that everyone says it is indistinct and indecisive, but it is indistinct over the top of his house. About a quarter of it is his families' land. He asked the Board to please get it off.

He stated that at the end of the Joint Chatham/Cary Subcommittee Meeting, one of the Cary Council Members calmly asked at the very end, when Chatham was going to give them ETJ all the way to the rural buffer area. The Extra Territorial Jurisdiction (ETJ) is permit power. It is a very potent thing. You are stuck in limbo-land. If they have the ETJ over Chatham, he could not vote against them, but he would have to have his house permitted to Cary standards. He could not have any junk cars. He has a red roof on his house which would clash in Cary. They would tell you all kinds of things that you are going to do. The way he understands the law, that is an authority that you give up. They cannot take it. He thinks Commissioner Petty made some remarks about it. What is the point of all the planning they have been doing anyway if they are just going to chunk it all. Do not do that. That would be the second biggest mistake the Board has ever made. He stated that as the Board is beginning to see with giving up their leverage on the pipeline. He asked if the money had ever arrived for the building. (Commissioner Cross replied that it had been received.) He stated that that was pretty much our leverage forever. They expect the Board to give up the ETJ. He asked the Board to please not do that. He stated that he might have to run for commissioner. He doesn't have a job, a family, or too many hobbies. It might become his next occupation. Do not give up the ETJ. It is death for people like him that do not want to be associated with Cary.

**Larry Ballas**, 139 Indian Creek Lane, Apex, NC, stated that he was surprised when Councilwoman Jennifer Robinson brought up the ETJ issue. Not only the present Board, but the previous Board worked on this for a very long time. It should have been settled years ago. But when she brought up the ETJ, it totally turned him off. He wrote to Commissioner Petty a little note saying, "ETJ – Deal Breaker". He stated that he really means it. We are to the point now where we could revolt. Those who support the plan, in order to increase tax values for Chatham County, need to do it our way, not their way. He strongly recommended

that, if the Board does it, it will be the last thing they vote on for the people on that side of the lake. He stated that he would approach Jennifer Robinson and the Cary Town Council and tell them that it was brought up in a meeting, they do not want to discuss it anymore, and put an end to it. Many people in the State have worked very hard to change the annexation laws and have been very successful. We can't allow forced annexation anymore which is in the law. Voluntary annexation is still there. He stated that he believes in a person's right to do what they want on their own land. Those people who want to go into Cary can do so. They don't need to do it with a plan. It will cost a lot more money for Cary to come here with a plan to do what they want than for Cary to come without a plan. He stated that he hopes the Board tells Cary, in strong terms, that it is a deal-breaker. He believes that they need to come up with a plan, but if it includes where we can't have the right to do with what we have on our land for those who do not want to be in Cary and don't want to be in an ETJ associated with Cary rules, then the Board is doing wrong to the people on that side of the lake. He thanked the Board for listening stating that he hopes they appreciate his viewpoint on it.

### **BOARD PRIORITIES**

#### ***Public Hearings:***

**Construction and Demolition Recycling Ordinance:** Public hearing to receive public comments on the Construction and Demolition Recycling Ordinance

Teresa Chapman, Waste Reduction Coordinator, stated that the C&D Recycling Ordinance was initiated and developed by the Green Building Task Force in 2009 with the goal of encouraging more recycling. It was modeled after Orange County's program which is aggressively enforced because they have limited landfill space. It was adopted by the Board of Commissioners in May 2010 and implemented by the Solid Waste & Recycling Division with cooperation from the Central Permitting Department by September 2010.

Chatham's current ordinance requires the following:

All building permit applicants with projects 1,000 square feet or greater in the unincorporated areas of Chatham must complete a C&D Recycling Document detailing all the types of debris they expect to generate and how they will handle that debris at the end of their project before they receive their building permit.

Generators of mixed C&D debris must have this debris transported by a licensed C&D hauler to a licensed C&D facility that has an annual recycling rate of 30%. Generators who do not mix their debris and instead source-separate their debris on-site must complete a pre & post waste estimate and detail where they took their materials. The current ordinance also says the destination must be approved by Chatham County.

There are no C&D facilities in Chatham County, so the Solid Waste & Recycling Division must license state-approved facilities that apply and meet the 30% recycling rate. Currently 4 out of the 5 closest available sites are permitted.

All haulers who haul mixed C&D debris must also be licensed by the Solid Waste & Recycling Division regardless of quantity or size of vehicle.

There are multiple challenges with the current ordinance for builders, haulers, facilities, and staff:

1. Current multi-step process impedes Central Permitting Department's goal of making the permitting process more efficient for builders. Builders are required to complete a recycling document and have it approved by the Solid Waste & Recycling Division before they can apply for their building permit. While the document can be submitted and approved via email or fax, most times the builder makes a trip to the 720 County Landfill Road location to obtain the document, complete it, and wait for an available

staff person to review and approve it. They then take the signed document to the Central Permitting Department in Pittsboro.

2. Due to location and price, the licensed C&D facilities are already the most commonly used facilities by Chatham C&D haulers. These facilities typically charge \$20-\$30 less than the transfer station owned by Waste Management, Inc. in Siler City. Some builders and haulers view the ordinance as regulating an activity that was already occurring.
3. Monthly reporting is cumbersome for the facilities and does not provide the desired information to the county. Facilities rely on the haulers to identify that their loads are subject to the ordinance but they do not always receive accurate information from the haulers.
4. Facilities currently charge haulers a higher rate for debris generated from Orange County due to their increased reporting requirements. At least one facility has indicated that they may do the same for Chatham.
5. The Solid Waste & Recycling Division operates as an enterprise fund. Management of C&D debris has not been previously handled by the division and the costs associated with administering and enforcing the program are not included in the Solid Waste Fees. Existing staff have absorbed the duties.
6. Significant staff time and office supplies are needed to assist builders and haulers with the current process – over 300 Recycling Documents and over 70 hauler applications have been processed since September 2010 (in a slow development period).
7. As part of enforcing the ordinance, staff time is also needed to attempt to match monthly facility reports with recycling documents for projects that have been issued a certificate of occupancy, and then determine if the C&D debris generated was properly disposed.

SWAC and GBASE have been presented this information and recommend the adoption of the revised C&D Recycling Ordinance which includes the following changes:

1. Remove the requirement for licensing C&D haulers.
2. Remove the requirement that building permit applicants complete a separate C&D recycling document (this would be replaced by a section on the Building Permit Application)
3. Remove monthly reporting requirement for facilities. They already submit a copy of their annual state report as part of their renewal application. This NCDENR report provides data on all C&D debris received from Chatham County.
4. Add the requirement that building permit applicants must indicate the type of debris that will be generated and where mixed debris will be taken and must keep disposal records for one year after the project that could be subject to a spot inspection by the Solid Waste & Recycling Division.
5. Central Permitting will provide a list of licensed facilities & disposal worksheets to all building permit applicants as an educational tool.
6. Adjust annual staff reporting requirements to provide available information – total amount of C&D debris generated in Chatham, total number of enforcement actions and explanation of any variances granted.

The current Ordinance states that the Solid Waste and Recycling Division must report annually on any recommended changes to improve the ordinance. The report is also supposed

to include total waste diverted from landfills, total amount recycled (disaggregated by type), total and disaggregated amounts source-separated (however these data are unavailable/unattainable), total number of enforcement actions, and explanations of any variances granted.

The Chairman opened the floor for public comments.

**Tom Glendinning**, 160 Eddie Perry Road, Pittsboro, NC, stated that while he supports reasonable recycling which actually returns something to the taxpayer, he feels this ordinance is an intrusion into the lives of citizens especially when the limit of a square footage of a house is one thousand feet for every single person who builds a dwelling, buys a modular home over one thousand square feet. He feels it should be put on subdivisions of 25-50 units and make the limit affordable and reasonable where somebody has the bookkeeping ability to keep up with the records and the desire to contract with a licensed hauler. Almost everyone in attendance lives in a dwelling that is more than one thousand feet. He stated that he built his own home, laying the block, pouring the foundation, doing the framing and would not want to go through the process again if it involved all of the permitting requirements. He stated that he just found out in order to get a well-permit, he had to pay \$368 to drill the well. One thing after another keeps mounting and mounting to the point that the people of modest means don't have a chance.

The Chairman closed the public hearing.

Commissioner Kost asked if the Solid Waste Advisory Committee and the Green Building Task Force had reviewed the proposed ordinance. Ms. Chapman stated that they had.

Chairman Bock stated that they were taking a lot of requirements in the old ordinance and streamlining it. Ms. Chapman replied that was correct; that they would not longer have to fill in a separate document; that they would indicate on their building permit application where they are planning to take any mixed debris or if they are planning to source separate; and that they do not need to go through their office first to get their permit. She explained that the records retention is new and is transferred from trying to get the information from the haulers and the facilities and the responsibility is returned to the builder to know where the debris was taken.

Commissioner Petty moved, seconded by Commissioner Cross, to adopt the Chatham County Construction and Demolition Recycling Ordinance, attached hereto and by reference made a part hereof. The motion carried four (4) to zero (0).

**Economic Development Incentives:** Public hearing to receive public comments on economic incentives for Acme McCrary.

Dianne Reid, Chatham County Economic Development Director, explained that Chatham County proposes to appropriate and expend County funds for an economic development project pursuant to North Carolina General Statue 158-7.1. The County intends to enter into an economic development incentives contract with Acme-McCrary Corporation to expand its Siler City operation by relocating its warehousing and distribution facilities to the former Joan Fabrics building on US Highway #64 in Siler City.

Acme-McCrary plans to invest approximately \$500,000 in the building and maintain an average inventory level of approximately \$35,000,000. Under the proposed contract, if Acme-McCrary retains at least 42 existing jobs and creates and retains at least 100 new jobs in Chatham County, the County would make cash incentives grants to Acme-McCrary beginning in 2012 for five years equal to a declining percentage of actual property taxes paid: 70% year one, 60% year two, 50% year three, 40% year four, and 30% year five. The County will fund the payments with available revenues in the County's general fund. The Board of Commissioners believes this project will stimulate and stabilize the economy of Chatham County by retaining existing jobs in the County, creating new jobs, and increasing the County's tax base.

**Larry Ballas**, 139 Indian Creek Lane, Apex, NC, stated that he was not opposed to economic development or incentives for economic development. He stated that he wanted to try to understand whether the economic development and the incentives to attract and retain companies in Chatham County is a net positive for the people of Chatham County. He stated that he does not have any indication by looking on the web site that was included for the meeting as to whether it is a positive for Chatham County. He stated that it makes sense if they lease rather than own the building. He doesn't understand whether they have to pay tax on what they are leasing or the value of the building. There is no indication that all the jobs created will be Chatham County jobs. If jobs are going to be created and people are coming in from outside the County, it would not be a net positive for Chatham County. Although we would be generating product inside the County, we would not be generating jobs inside the County. He asked how long it would take to hire the people, stating that he had not seen anything that indicates what it is. There are some positives in creating jobs in Chatham County, but if you look at what we are paying out or allowing not to come in as a tax base for any company with regards to what we are offering the people of Chatham County it should washout to at least be even or a net positive to Chatham County. If incentives are going to be given to attract people to the County, it has to be a net positive to the County, not just a net positive to the company that is moving to the County.

Commissioner Kost stated that she agrees with Mr. Ballas. She asked, in the future when we have incentives, that a copy of the scoring sheet be made available to help show citizens the specific criteria, how they met it, and the score points which would answer concerns.

Chairman Bock agreed with Commissioner Kost stating that all of it was taken into account. Generally speaking, he stated that he is not in favor of incentives, but if the rest of the world is doing something, they have to play in that field. He stated that he thinks that the program they have takes into account the things that were said; that no one is getting any money unless they do what they promise; and that he feels that they would not be this far in the process if they did not think it was a net positive to the County.

Commissioner Kost moved, seconded by Commissioner Cross, to approve a contract for economic development incentives in which the County would make cash incentives grants to Acme-McCrary Corporation beginning in 2012 for five years will be equal to a declining percentage of actual property taxes paid: 70% year one, 60% year two, 50% year three, 40% year four, and 30% year five, provided that Acme-McCrary Corporation retains at least 42 existing jobs and creates and retains at least 100 new jobs in Chatham County for the duration of the five year contract. The motion carried four (4) to zero (0).

**Resolution Honoring Roy Siler:** Presentation of plaque to Roy Siler

The Chairman read the Resolution Honoring Roy Siler, Jr. on His Retirement in its entirety.

Mr. Siler thanked the Board for the presentation. He stated that if there was ever anything he could do to help the County, he would be happy to do so.

Commissioner Kost moved, seconded by Commissioner Petty, to adopt **Resolution #2011-51 Honoring Roy Siler, Jr. on His Retirement**, attached hereto and by reference made a part hereof. The motion carried four (4) to zero (0).

**Resolution Accepting the Voluntary Relinquishment of Final Plat Approvals of The Legacy at Jordan Lake, Phases Two and Three:** Vote on a request by Paul Messick on behalf of Capital Bank and The Legacy at Jordan Lake, LLC to adopt a Resolution Accepting the Voluntary Relinquishment of Final Plat Approvals of The Legacy at Jordan Lake, Phases Two and Three

Jason Sullivan, Chatham County Planning Director, explained that the North Carolina General Assembly enacted the Permit Extension Act of 2009 (amended by Session Law 2010-177) suspending the running of the period of approval for certain development permits

during the four (4) year period from January 1, 2008 until December 31, 2011. The amended Permit Extension Act of 2009 states in part in Section 5, *“This act shall not be construed or implemented to: “Item # 6, “Affect the ability of a government entity to revoke or modify a development approval or to accept voluntary relinquishment of a development approval by the holder of the development approval pursuant to law.”*

The Legacy at Jordan Lake has a Conditional Use Permit for a Planned Unit Development. The approval was granted by the Board of County Commissioners in 2004. The Legacy is approved for 463 lots on 626 acres. Phase One consisting of 105 lots received final plat approval in 2005. Phase One is not a party to this request. Phases Two and Three received final plat approval in 2006 for 114 lots. There are 244 lots remaining with sketch design approval

Capital Bank and The Legacy at Jordan Lake, LLC are requesting to relinquish final plat approval of Phases Two and Three consisting of 114 lots, and requests that (1) The project revert back to preliminary plat approval; (2) Phases Two and Three be recombined with the undeveloped land by plat; (3) The Recreation Fees paid prior to final plat recordation be retained by the county to be credited to the developer towards the future development of the subject property; (4) The water availability fees paid prior to preliminary plat approval be retained by the county to be credited towards the future development of the subject property; (5) The water capacity associated with the payment of the water availability fees be reserved for future development of the subject property, (6) The two existing financial guarantees be released; and (7) That the county accept a financial guarantee for erosion control measures.

The final plat submittal deadline for all remaining lots is December 31, 2015. Chatham County is holding two financial guarantees for the project in the form of Letters of Credit for the completion of infrastructure. The Phase Two letter of credit is in the amount of \$1,820,942.00 and Phase Three is in the amount of \$2,317,566.00. If the request for relinquishment is approved, the letters of credit will be released and a new letter of credit and contract will be submitted for erosion control measures. Once the Resolution is recorded in the Office of the Register of Deeds and a recombination map is recorded, the Tax Mapping Department will then map Phase Two and Three and the remaining acreage as one tract. The developer has previously appealed the tax value of the lots and they were reduced in value. The Tax Assessor’s office estimates that since Phase Two and Three have already had the tax value of the lots reduced, that the recombination of the lots into one tract should not cause a loss of tax revenue and perhaps may provide a small gain.

At the time of final plat approval of the 114 lots, the developer paid a Recreation Exaction Fee of \$105,564.00. The developer understands that the amount of the recreation exaction fee will be retained by the county, and requests that at such time that the final plat is re-submitted for review and approval (on or before December 31, 2015), the amount will be applied towards the recreation fee payment. The developer will be responsible for any increase in fees.

At the time of preliminary plat approval of the 114 lots, the developer paid the water availability fees of \$3500.00 per lot. The developer understands that the water availability fee will be retained by the county and requests that at such time that the final plat is re-submitted for approval, the amount will be applied towards the water availability fees with the developer being responsible for any increase in fees. The developer also requests that the water capacity associated with the payment of the water fees, be available for future use.

There are no existing improvements currently on the property; however, there has been some land disturbance activity. Rachael Thorn, Chatham County Soil and Erosion Control Inspector, has visited the site and verified that the site has adequate erosion control measures. A financial guarantee will be submitted to the county by Capital Bank to insure the continued compliance with erosion control. Ms. Thorn has reviewed the cost estimate prepared by the engineer and found the estimate adequate.



The engineer, Mark Ashness, CE Group, has provided staff information regarding the various regulatory permits associated with the property showing the expiration dates and has stated that the relinquishment of final plat approval will not adversely affect these permits.

Paul Messick, Attorney, on behalf of Capital Bank and The Legacy at Jordan Lake, LLC is requesting that the Chatham County Board of Commissioners adopt the Resolution Accepting the Voluntary Relinquishment of Final Plat Approvals of The Legacy at Jordan Lake, Phases Two and Three.

The Planning Department is not making a recommendation on this request as this is a policy decision by the Board of County Commissioners. If the Board approves the request for relinquishment and accepts the Resolution, staff recommends the Board discuss whether the recreation exaction fees, water availability fees and water capacity will be retained as a credit to the project if the final plat submittal deadline of December 31, 2015 is not met and the subdivision approval expires and the project is then required to be resubmitted under current Subdivision Regulations as a new submittal.

Commissioner Kost stated that she was voting for the resolution, not because she supports it, but because they need to be fair and equitable stating that the Board did approve The Glens and because it has been done for them, she thinks they should honor this request. She stated that her preference would have been to go back and start over and the subdivision would have to come under the new environmental regulations.

Commissioner Cross moved, seconded by Commissioner Petty, to adopt a **Resolution #2011-52 Accepting the Voluntary Relinquishment of Final Plat Approvals of the Legacy at Jordan Lake, Phases Two and Three Recorded in Plat Slide #2006-494 and 497 of the Chatham County Registry Pursuant to North Carolina Permit Extension Act of 2009 (Amended by Session Law 2010-177)**, attached hereto and by reference made a part hereof.

Chairman Bock called the question. The motion carried four (4) to zero (0).

**Conditional Use Rezoning for Jo Ann Davis:** Vote on a request by Withers & Ravenel on behalf of Jo Ann Davis, Parcel #19645, Williams Township, located at 9157 NC Hwy #751, to rezone the two (2) acre tract from R-1 Residential to CU-B1 Conditional Use Business

A legislative public hearing was held on September 19, 2011. No one spoke on the issue and the hearing was closed.

This property is located within an area of the county that received zoning in 1968 and 1973. The area was zoned to residential. On June 19, 1995, the adjacent parcel (#19644), consisting of 17.246 acres, received a Conditional Use B-1 Business zoning with a Conditional Use Permit for a landscape design business, lawn & garden shop, and horticulture. Since that time the business has expanded and additional space was needed.

It is not clear when the two acre tract being considered for rezoning changed from residential use to commercial use. Tax records indicate a commercial use that began in 2005. Staff contacted the owner and occupants via certified mail regarding the violation and the measures to take in order to bring the property into compliance.

Planning Board comments/recommendations can be seen in **Bold, italicized** wording below:

In order for a rezoning to be considered, support from the Land Conservation and Development Plan, hereinafter referred to as the "Plan", shall be provided. The Plan was adopted in 2001. However, a map has not been adopted to outline where certain types of non-residential uses are guided or encouraged. Under the section titled "Economic Centers" on page 27 of the Plan, support for the continuation of current activities is encouraged. The Plan also encourages the need to sustain the county's rural character and environmental

quality. It is staff's opinion this property has complied with this recommendation. The structure on the parcel still looks like a residential dwelling unit. Landscaping and buffers have been installed to buffer the view from the public roadway.

Page 34 of the Plan specifically lists NC 751 near Durham as area that may link to infrastructure and build on the economic activity in southern Durham County. If approved, this parcel will be added to Parcel No. 19644 via a recombination plat.

This property also falls within the Chatham/Cary Joint Planning area. Email correspondence from the Town of Cary states they do not see any issues with the rezoning since it is an existing use.

**The Planning Board asked about a protected eagle's nest near this site on the US Corps of Engineer's property. Planning staff advised there is a nest but it is further west from this property. Also, there are no local restrictions on development in regards to eagle's nest at this time. No other concerns were raised.**

As per the Planning Staff and Planning Board recommendation (by a unanimous vote of 8-0), Commissioner Cross moved, seconded by Commissioner Petty, to adopt **An Ordinance Amending the Zoning Ordinance of Chatham County to Rezone Parcel #19645 from R-1 Residential to CU-B-1 Conditional Business**, attached hereto and by reference made a part hereof. The motion carried four (4) to zero (0).

**Conditional Use Permit Amendment for Jo Ann Davis:** Vote on a request by Withers & Ravenel on behalf of Jo Ann Davis, Parcel #19644, Williams Township, located at 9157 NC Hwy #751, for a revision to an existing conditional use permit to add the two (2) acre tract from Parcel #19645 to the existing 17.246 acre tract, permit the residential structure to be used as retail, and convert the non-residentially approved structure on the original permit back to residential use for a caretaker's facility

A quasi-judicial public hearing was held September 19, 2011. No one spoke on the issue and the hearing was closed.

Parcel #19644 received its original approval for a landscape design business, lawn & garden shop, and horticulture on June 19, 1995 on 17.246 acres. Since that time the business has continued to operate and expand to meet demands of the public. There were five (5) conditions placed on the approval at that time which to Planning staff knowledge have been maintained.

Within the approvals of the application materials, it was noted that the residential structure located on the site could no longer be used for residential purposes. We were advised by the manager of the property it has continued to be used for both purposes. The residential structure on Parcel No. 19645 is currently used for the retail garden center. These items are addressed below. All other areas and activity will remain unchanged.

A conditional use permit revision must meet the required five findings as required by the Chatham County Zoning Ordinance. Those findings are addressed as follows:

**FINDING #1 – The use requested is among those listed as an eligible conditional use in the district in which the subject property is located or is to be located.** Within the original B-1 Business district, single family dwellings are a permitted use. The conditional use zoning district does not change that and a single family dwelling unit that is used for a "caretaker" facility is permitted. All other non-agriculturally defined uses are also permitted and may continue. It is Planning staff opinion this finding has been met.

**FINDING #2 – The requested conditional use permit is either essential or desirable for the public convenience or welfare.** The business has remained and continues to operate in the same manner as its original approval in 1995. Sustaining existing businesses in the county is an objective of the Land Conservation and Development Plan.

Planning staff has received no complaints in connection with this property. No additional public services or improvements are needed to make these changes to the site.

Sales tax revenue for 2010 was approximately \$13,000 and property taxes have been about \$4,000/year. Employment on the property allows for 10 full-time, 5 part-time, and 5 seasonal employees to work in the county. It is Planning staff opinion this finding has been met.

**FINDING #3 – The requested permit will not impair the integrity or character of the surrounding or adjoining districts, and will not be detrimental to the health, safety, or welfare of the community.**

In February 2000, NCDOT issued a commercial driveway permit and planning staff have not been notified of any issues regarding traffic to and from this property. Traffic use to the site does not appear to impact the usage allowance on NC 751.

In the application materials, the applicant states the nursery makes every effort to utilize sustainable principles in its operations. This includes but is not limited to reusing water on site for irrigation purposes by use of ponds.

The applicant met with the Appearance Commission and overall they were pleased with the existing vegetative screenings. However, there were recommendations agreed upon with the applicant that will be implemented upon approval.

No additional lighting, noise, or signage is needed or requested. It is Planning staff opinion this finding has been met or may be met through conditions.

**FINDING #4 – The requested permit will be consistent with the objectives of the Land Use Plan.**

Under the section titled “Economic Centers” on page 27 of the Plan, support for the continuation of current activities is encouraged. The Plan also encourages the need to sustain the county’s rural character and environmental quality. In the application, the applicant states they help protect water quality and the availability of ground water and surface water resources by utilizing on-site ponds. The ponds are used for irrigation and the area around the ponds has been graded to allow surface water to drain into them. A review and approval by the Environmental Quality Director may be required should any additional land disturbance be needed. The structure on the parcel still looks like a residential dwelling unit. There has been landscaping and buffers installed as to buffer the view from the public roadway. These steps assist in maintaining the rural character.

Page 34 of the Plan specifically lists NC 751 near Durham as an area that may link to infrastructure and build on the economic activity in southern Durham County. It is Planning staff opinion this finding has been met.

**FINDING #5 – Adequate utilities, access roads, storm drainage, recreation, open space, and other necessary facilities have been or are being provided consistent with the county’s plans, policies, and regulations.**

There are no expansions or improvements to access roads requested. Re-inspections of the septic systems on both sites will be required and upgraded, if required, before change of occupancy permits may be finalized and issued for each structure.

The site is located within a WSIV-Protected Area watershed, as well as the Jordan Lake watershed. Approximately 17% of the site is impervious surface and the maximum allowed without curb-and-gutter is 36%. A revised impervious surface calculation map will be required once all parking lot and sidewalk accesses required by the Building Inspections Department are constructed. It is the Planning staff opinion this finding has been met or may be met through conditions.

The Planning Board had no comments or concerns regarding this application.

Planning staff and Planning Board (by unanimous vote of 9-0) recommend approval of the conditional use permit revision request with the following 14 conditions:

**Site Specific Conditions:**

1. The recommendations as provided by the Chatham County Appearance Commission and as outlined in Section 12 of the Chatham County Zoning Ordinance shall be followed.
2. All other previous conditions as outlined in the original approval shall remain in effect.
3. A copy of the recombination plat shall be supplied to the Planning Department and filed with the Register of Deeds within six (6) months of the approval date.
4. Compliance must be met with Building Inspection regulations, Environmental Health regulations, and the Fire Marshal's regulations before a Certificate of Occupancy may be issued and a copy supplied to the Planning Department.
5. A revised map detailing the current and increased impervious surface calculations shall be submitted before the Certificate of Occupancy is issued.
6. All upgrades, changes, and/or additions as requested shall be completed within 24 months of the approval date of the application or the revised conditional use permit becomes void and null.

**Standard Site Conditions:**

7. Signage, parking, and lighting shall conform to the Chatham County Zoning Ordinance.
8. The application and approved recommendations as provided for and/or conditioned, are considered to be the standards as set forth and shall comply as stated. Changes or variations must be approved through the Planning Department or other approving board before any such changes can take place.
9. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Erosion & Sedimentation Control, Environmental Health Division, Storm water Management, Building Inspections, etc.) shall be obtained, if required, and copies submitted to the Planning Department prior to the initiation of the operation/business.

**Standard Administrative Conditions:**

10. Appeal - The County shall be under no obligation to defend any action, cause of action, claim, or appeal involving the decision taken herein. In the event a response is authorized by the County concerning this resolution, or any action to enforce the provisions hereof, the applicant, its successors or assigns shall indemnify and hold the County harmless from all loss, cost or expense, including reasonable attorneys fees, incurred in connection with the defense of or response to any and all known or unknown actions, causes of action, claims, demands, damages, costs, loss, expenses, compensation, and all consequential damages on account of or resulting from this decision.
11. Fees - Applicant and/or landowner shall pay to the County all required fees and charges attributable to the development of its project in a timely manner, including, but not limited to, utility, subdivision, zoning, and building inspection, established from time to time.
12. Continued Validity - The continued validity and effectiveness of this approval was expressly conditioned upon the continued determination with the plans and conditions listed above.
13. Non-Severability - If any of the above conditions is held to be invalid, this approval in its entirety shall be void.
14. Non-Waiver - Nothing contained herein shall be deemed to waive any discretion on the part of the County as to further development of the applicant's property and this

permit shall not give the applicant any vested right to develop its property in any other manner than as set forth herein.

Commissioner Cross moved, seconded by Commissioner Petty, to adopt **Resolution #2011-53 Approving a Revision to a Conditional Use Permit Request by Jo Ann Davis dba For Garden's Sake Nursery**, attached hereto and by reference made a part hereof. The motion carried four (4) to zero (0).

**Sandy Pond Enterprises Revision to CUP:** Vote on a request by Sandy Pond Enterprises dba Dogwood Animal Hospital, Parcel #18637, Williams Township, located at 51 Vickers Road, for a revision to the conditional use permit to add an additional 3,500 square foot kennel building and dog runs to the site

A quasi-judicial public hearing was held on September 19, 2011. Blair Pittman with Bobbitt Construction and Dr. Michelle Preda presented on behalf of the applicants. Mr. Travis Blake, spoke as an adjacent property owner with a list of concerns he wished to be addressed. Those issues as outlined have or will be addressed in the following documentation.

On November 21, 2005, Sandy Pond Enterprises received an approval for a veterinary clinic and hospital with dog runs or equivalent facilities and for a dog boarding facility. There have been no violations or complaints filed with this office since it was started.

**Planning Board comments and/or recommendations can be seen at the end of each finding in BOLD, *Italicized* wording.**

A conditional use permit revision must meet the required five findings as required by the Chatham County Zoning Ordinance. Those findings are addressed as follows:

**FINDING #1 – The use requested is among those listed as an eligible conditional use in the district in which the subject property is located or is to be located.** The primary uses outlined in the application have not changed from the original approval. This is an expansion of existing services which are permitted in the conditional use district in which it is approved. It is planning staff and Planning Board opinion this finding has been met.

**FINDING #2 – The requested conditional use permit is either essential or desirable for the public convenience or welfare.** The application states due to the increase in development within Briar Chapel, Fearrington Village, and other areas, the need for services has increased. This facility provides for luxury board and daycare accommodations that are unique in the area. The application states that during the first year of business they grew by 34%. Over the last 12 months it has grown another 27%. Services include a pet resort for luxury boarding, spa services that include massage and aromatherapy, grooming, socialization, and exercise.

With the addition of the new kennel building, there will be an increase in property value and the creation of 5 full-time positions ranging in salary from \$25,000 - \$35,000 annually.

Within a five mile radius, there are two other veterinary hospitals, Cole Park and Hope Crossing. Both have limited facilities for boarding and daycare of pets.

The adjacent landowner expressed a concern that the original approval had a condition that requires the owner's to provide an access easement across the front of the property for the adjoining B-1 Business zoned parcel and it was not shown on the submitted plans. He stated NCDOT would restrict access to that adjacent property and may not allow a new commercial driveway permit to be issued should the property be utilized. This was the reason for the requirement in the original approval. Staff has requested a revised site plan map showing the easement access. It is planning staff and Planning Board opinion this finding has been met.

**FINDING #3 – The requested permit will not impair the integrity or character of the surrounding or adjoining districts, and will not be detrimental to the health, safety, or welfare of the community.** The expansion will serve up to 23 additional animals. No expansions or upgrades on accesses are required. The county has not received any complaints or concerns regarding traffic flow in this area. The most current NCDOT Daily Traffic Counts do not indicate any issues with the increased flow to this facility.

The applicants met with the Chatham County Appearance Commission and obtained a recommendation for approval with comments on the landscaping to be installed as well as areas that need replacement or additional plantings. A concern was raised by the adjacent landowner regarding missing plantings which the applicant states will be corrected.

Noise was mentioned as a possible issue with the adjacent landowner. He requested the owners consider no windows on the northern side of the building or construction with sound barrier materials are installed. The application states precautions will be taken and dogs will not be left unattended outside or housed outside overnight. The county has not received any noise complaints from this facility. It is planning staff opinion this finding has been met and be made with conditions as stated below.

*The Planning Board asked questions regarding the staffing of the facility during the night hours when dogs were being boarded. The applicant stated they generally do not have staff during the night and the animals are put into individual cages or holding areas within the buildings. They went on to say they do not provide veterinary services as a 24-hour facility. Those animals must be sent to other places if more intense services are required.*

**FINDING #4 – The requested permit will be consistent with the objectives of the Land Use Plan.** The Land Conservation and Development Plan of Chatham County, hereafter referred to as “the Plan”, provides a general outline of the types of developments encouraged in different parts of the county. One of the Plan’s objectives is for balanced growth with different types of development guided to suitable locations while maintaining the rural character and quality of life of the county as seen on Page 10. Page 12 of the Plan encourages the sighting of commercial uses along major highways which this business has met and it extends up a side road which complies with another objective. Page 27 of the Plan also encourages the continuation of current activities.

The new addition of the 3500 square foot building keeps the impervious surface under the 36% allowed in the WSIV-PA watershed. Staff will review the revised site plan with the easement access to verify that the 36% impervious limit is still being met. It is planning staff opinion this finding has been met.

**FINDING #5 – Adequate utilities, access roads, storm drainage, recreation, open space, and other necessary facilities have been or are being provided consistent with the county’s plans, policies, and regulations.** The site is currently served by the Chatham County water services and will continue to do so. There have been no issues with access to the buildings noted from the fire department or the Fire Marshal.

The site is currently served by a state approved drip irrigation system and plans have been submitted to NCDENR for the expansion approval. The applicant states in the application, capacity has not been met.

Currently there is a stormwater feature located on the property. A review from the Environmental Quality director will be needed once the new site plan depicting the easement access is received by staff. Currently, it appears there is sufficient room in the existing area to manage any stormwater runoff that may come from the new building site. It is planning staff opinion this finding has been met and may be made with the conditions as stated below.

*The Planning Board expressed concerns about the requirement for the access easement across this property for the adjacent tract, Parcel No. 18908, 9660 US 15-501 N, owned by Keith Allen and Eddie Williams, which is zoned straight B-1 Business. They*

*recommended approval of the revision request with the removal of “Condition 2” below. The intersection of US #15-501 N and Vickers Road is not a controlled access as identified by NCDOT standards. Planning staff spoke with Jennifer Britt with NCDOT, after the Planning Board meeting, who stated US #15-501 N is in the Strategic Corridor Plan and they would look at whether or not to issue a new commercial driveway permit on this portion of the highway. She stated, because of the existing full movement intersection just south of the tract, if a commercial driveway permit could be issued, there would be a right in/right out only access and may or may not be required to install a turning lane. She stated it appeared unlikely NCDOT would issue a new permit if there was a suitable alternative. She stated the access easement across the applicant’s property, as originally approved and agreed upon by the applicant, is the preferred access.*

*Planning staff also contacted Dan LaMontagne, Environmental Quality Director, who verified that the potential impervious surface to be set aside for the access road would be required to be allocated against the tract of land it is located on. There is currently no rule or regulation that would allow the impervious surfaces area to be applied to the adjacent B-1 Business tract. The applicant’s property is 4.1 acres per current tax records. The total amount of existing and proposed impervious surface is approximately 28,370 sq ft which is about 16% of the allowable 36% which is 64,295 sq ft. Planning staff recommends the conditions as stated below with more clarity added to Condition #1 and Condition #2.*

Mr. Sullivan stated that it is the opinion of planning staff and Planning Board (with a unanimous vote of 9-0), with the exception of condition #2, that all findings may be made and therefore recommend approval of the application with the following 13 conditions:

**Site Specific Conditions**

10. Should the adjacent tract, parcel no. 18908 be denied a commercial driveway permit from NCDOT to redevelop the site, a revised site plan detailing the easement access area across parcel no. 18637 with the total amount of impervious surface required shall be prepared and a copy of the legal document authorizing the access shall be supplied to the Planning Department. The access easement shall be recorded with the Register of Deeds prior to issuance of a building permit for the kennel.
11. The potential impervious surface area needed for the easement access shall be provided before any land disturbing activity begins on any further expansion projects to ensure the maximum impervious surface will not be exceeded.
12. The recommendations as provided by the Chatham County Appearance Commission shall be followed and all previous requirements shall be maintained.
13. There shall be a limit of 53 animals housed at the facility at one time. Thirty from the previous approval and 23 from this request.
14. All other previous conditions, as outlined in the original approval, shall remain in effect. (Any exclusions are those items which have been repeated in the new additional conditions): Those that remain are:
  - A building permit shall be obtained within 18 months of the date of approval by the Board of County Commissioners and remain valid at all times or the conditional use permit becomes null and void.
  - Mature trees along the northern and north eastern boundary line shall remain and shall be supplemented with an additional variety of vegetation to create a 15 foot wide or wider Type A, Opaque landscape buffer. All other landscaping shall be as shown on the revised site plan, dated October 26, 2005 and shall also be a variety of plantings. Mature, existing trees shall remain on the property where practical. All required landscaping shall be installed prior to issuance of the certificate of occupancy for the structure. All landscaping shall be maintained properly and replaced if found dead or diseased.

- Signage shall be as shown on the revised site plan. If illuminated, lighting shall conform to the Chatham County Lighting regulations.
- A 25 foot wide permanent cross access with a 10 foot wide temporary construction easement on either side or temporary construction easement(s) as necessary to construct the connection to the common boundary line of the Bobby Arrington property, parcel #18909 shall be designated on a revised site plan prior to issuance of a building permit for the structure. Legal instruments shall be recorded so that if and when parcel #18908 is developed, access shall be allowed. All costs associated with said connection shall be the responsibility of the adjacent property owner.
- No animals shall be housed outside overnight. All animals shall be supervised at all times when outside the structure.
- All noise abatement measures and odor control measures as outlined in the application booklet, dated 6/10/05 must be utilized.
- Any dumpster/waste areas must be screened from all adjacent property owners.
- It is requested that the applicant and Travis Blake, adjoining property owner, discuss the issues regarding relocation of the parking area along the northern boundary line and if an agreement is reached, that it shall be shown on the revised site plan to be furnished to staff prior to issuance of a building permit.

**Standard Site Conditions**

6. Signage, parking, and lighting shall conform to the Chatham County Zoning Ordinance.
7. The application and approved recommendations as provided for and/or conditioned, are considered to be the standards as set forth and shall comply as stated. Changes or variations must be approved through the Planning Department or other approving board before any such changes can take place.
8. All required local, state, or federal permits (i.e. NCDOT commercial driveway permits, NCDWQ, Chatham County Erosion & Sedimentation Control, Environmental Health Division, Storm water Management, Building Inspections, etc.) shall be obtained, if required, and copies submitted to the Planning Department prior to the initiation of the operation/business.

**Standard Administrative Conditions:**

9. Appeal - The County shall be under no obligation to defend any action, cause of action, claim, or appeal involving the decision taken herein. In the event a response is authorized by the County concerning this resolution, or any action to enforce the provisions hereof, the applicant, its successors or assigns shall indemnify and hold the County harmless from all loss, cost or expense, including reasonable attorneys fees, incurred in connection with the defense of or response to any and all known or unknown actions, causes of action, claims, demands, damages, costs, loss, expenses, compensation, and all consequential damages on account of or resulting from this decision.
10. Fees - Applicant and/or landowner shall pay to the County all required fees and charges attributable to the development of its project in a timely manner, including, but not limited to, utility, subdivision, zoning, and building inspection, established from time to time.
11. Continued Validity - The continued validity and effectiveness of this approval was expressly conditioned upon the continued determination with the plans and conditions listed above.
12. Non-Severability - If any of the above conditions is held to be invalid, this approval in its entirety shall be void.



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

Blair Pittman, 600 Germantown Road representing Sandy Pond Enterprises and Dogwood Animal Hospital, stated that they have been working since the original public hearing to get the issues addressed. It was something that was an original comment. It did not happen when the project was closed out. They have worked with attorneys and have created a cross access agreement. Staff has reviewed it and agrees that it meets the criteria they were looking for. They are prepared to sign it. The intent was to have it signed before the night's meeting, as it is prepared, but did not get signed stating that it is a condition that they accept. On the impervious issue, there is a separate issue that has come up during this process. He stated that obviously, they do not want to give up their future development rights. He stated that he thought the question was if it could be transferred to the adjacent neighbor.

Chairman Bock stated that that was not questionable, stating that he did not think it could be transferred.

Mr. Pittman stated then he did not think there was anything that could be done for that. He stated that they have the room to absorb that impervious and it would not keep the project from moving forward. He stated that if it was necessary to remove the comment to finish, then they accept it.

Linda Sands, 1357 Jay Shambly Road, Pittsboro, NC, one of the owners of Dogwood, stated that her only concern was of expansion. She stated that she didn't think that there would be an impervious surface issue; that her concern is that she would at least like the NCDOT to try to get another access rather than having to go directly through their property stating that it is right in front of the building and will be parallel to Highway #15-501, and it will be an eyesore.

Chairman Bock stated that he thinks Ms. Sands needs to be prepared that NCDOT will not do that. He stated that they are going to go the easiest route and he thinks that if they do not have to give an access to Highway #15-501, they probably will not. If that is the case, they need to know if it is acceptable.

Ms. Sands replied that it was acceptable.

As per the Planning Staff and Planning Board (by a unanimous vote of 9-0), Commissioner Cross moved, seconded by Commissioner Petty, to adopt **Resolution #2011-54 Approving a Revision to a Conditional Use Permit Request by Sandy Pond Enterprises dba Dogwood Animal Hospital**, attached hereto and by reference made a part hereof. The motion carried four (4) to zero (0).

**Purchase of Emergency Response Vehicle-Tax Exempt Borrowing:** Vote on request by Moncure Fire Department to purchase an emergency response vehicle, post notice of public hearing, conduct a hearing, and secure financing thru tax exempt borrowing

This item was discussed and approved during the afternoon Board of Commissioners' Work Session.

### **MANAGER'S REPORTS**

The County Manager had no reports.

## **COMMISSIONERS' REPORTS**

### **Impact Fee Request:**

Commissioner Cross stated that there had been a request from an elderly lady who wanted to build a 400 square foot house next to her daughter who asked for relief from the school impact fee. He stated that looking at the rules of authority, it cannot be done by square feet and it is creating a new residence within Chatham County so she will be required to pay it.

### **Transportation Issues:**

Commissioner Kost stated that almost three years ago, NCDOT adjusted the speed on Lystra Road to 45 MPH because of the concern about the trailers at the school so close to the road. In the letter of approval, the County was to notify DOT when the trailers had been moved. She asked if DOT had been notified of the trailers removal and if not, could it be done. The County Manager replied that he would do so.

Commissioner Kost stated that the Town of Cary had informed us that they were to begin work on the American Tobacco Trail and that they would be using a staging area which they would then be able to convert to parking. They had given a timeline of September-October. Nothing has happened. She stated that she would like to know the revised timeline. The County Manager stated that he would check with Cary on this issue.

Commissioner Kost stated that with regard to the American Tobacco Trail, she had requested a better sight triangle at the road crossings by cutting the vegetation so that motorists as well as users of the trail can see oncoming traffic. It still hasn't been done so she would like follow-up with Cary on it.

Commissioner Kost stated that at the Wake County road crossings of the American Tobacco Trail, there is a sign that reads, "State Law Requires that You Yield to Pedestrians in the Crosswalk". Those signs are in Wake County, but are not in Chatham County. She stated that she wanted to find out if it is a requirement and if so, have DOT put those signs up. It would make it consistent and also safer.

### **State Review of Oil and Natural Gas Environmental Regulations (STRONGER):**

Commissioner Kost stated that she attended the DENR meeting with STRONGER (State Review of Oil and Natural Gas Environmental Regulations). She found it to be a very interesting meeting. It was held for several days and she attended the first session. She stated that DENR talked about how fracking will potentially be regulated by the State but that allowing the mining in a community is a local land use decision. She stated that she wanted to make sure that people were aware that there is some local control here either through the Nuisance Ordinance such as noise, odor, etc. or through Land Use Regulations.

### **Clean Water North Carolina:**

Commissioner Kost stated that Clean Water North Carolina is hosting three sessions and bringing in residents who lived in Pennsylvania who will be speaking on November 10<sup>th</sup> at 11:45 AM and 7:00 PM and on November 11<sup>th</sup> at the Durham County Public Library. If people want information on it, they can go to "Clean Water North Carolina". She stated that she had heard both Ms. French and Ms. Knapp speak about the impact on their community and on their lives regarding the impact of fracking.

### **Art:**

Commissioner Kost asked about the status of Luck Stone's offer to produce a portrait of the Earl of Chatham.

The County Manager explained that the portrait is done and awaiting the building to be complete.

Commissioner Kost asked about the art for the new judicial center stating that the Board had discussed saving some of the copper from the historic courthouse for public art but that the County was to look at other jurisdictions to see what they are doing with regard to public art. She stated that if we are going to have a piece of public art in the new judicial facility, the Board will need to agree on it and that they need to get going because she hears that the new building is progressing ahead of schedule.

**Closed Session Minutes:**

Commissioner Kost asked the County Attorney when the Closed Session minutes were going to be reviewed.

The County Attorney stated that they usually have a month to six weeks to review them and then acted upon when they are returned. He stated that it could be done at the next meeting.

**Christmas Parades:**

Commissioner Kost asked if the dates for the Christmas parades were available. She asked if staff would follow-up with the dates.

**Wineries:**

Commissioner Kost stated that it had been a little over a year since Guy Loffer had come before the Board and was having Chad Meadows work on guidelines for wineries. She stated that he made some very valid points and asked the status of it.

Jason Sullivan, Chatham County Planning Director, explained that several months ago, Ms. Loffer talked with a larger group at the County including Environmental Health, and Permitting. He stated that they had not heard anything from him since that time. It is an issue of which Staff is aware and an issue that they are going to take a look at as part of the Zoning Ordinance overhaul. A lot of it was the issue of agritourism and the issue of special events associated with agritourism. It is an item that Staff has on their list with regard to items that need to be addressed.

Commissioner Kost stated that she wanted to make sure that it didn't fall by the wayside. Mr. Sullivan stated that it had not with them, particularly with the changes in State laws as it relates to ag exemptions.

**Joint Chatham-Cary Subcommittee Meeting:**

Commissioner Kost stated that she attended the Joint Chatham-Cary Subcommittee meeting last week at which a timeframe was adopted. There was no time for full-Board discussions of the plan. She asked that the timeframe be relooked at because she feels that it needs to slide one more month as there doesn't seem like there is time for the Board to discuss it.

She asked that she hoped that they would get some information out quicker with regard to public hearings and public information in order to make sure folks know what is going on.

**Gasland Video:**

Commissioner Cross stated that at the last meeting, someone lent a "Gasland" CD to the Board. He stated that he has completed it and passed it along to Commissioner Petty.

**ADJOURNMENT**

Commissioner Cross moved, seconded by Commissioner Petty, to adjourn the meeting. The motion carried four (4) to zero (0), and the meeting adjourned at 7:00 PM.

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Brian Bock, Chairman

ATTEST:

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