

**MINUTES**  
**CHATHAM COUNTY BOARD OF COMMISSIONERS**  
**REGULAR MEETING**  
**APRIL 18, 2005**

---

The Board of Commissioners ("the Board") of the County of Chatham, North Carolina, met in the District Courtroom, located in Pittsboro, North Carolina, at 6:00 PM on April 18, 2005.

Present: Chairman Bunkey Morgan; Vice Chair, Tommy Emerson; Commissioners Patrick Barnes, Mike Cross, and Carl Outz, County Manager, Charlie Horne; County Attorney, Robert L. Gunn; Assistant County Manager, Renee Dickson; Finance Officer, Vicki McConnell; and Clerk to the Board, Sandra B. Sublett

The Chairman called the meeting to order at 6:00 PM.

**PLEDGE OF ALLEGIANCE AND INVOCATION**

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

**AGENDA AND CONSENT AGENDA**

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

The Chairman asked that Item #8, consideration of a request to approve funds, up to \$9,000.00, to purchase sound/recording equipment be removed from the Consent Agenda and placed on the Regular Agenda for discussion; that Item #16, consideration of a request by Chatham County to locate one (1) communication tower in the Harpers Crossroads area for the 2005 Tower Plan had been discussed in the work session; and that Items #17, 18, 19, 20, consideration of appointments to Adult Care Home Committee, Home and Community Block Grant, Human Relations Committee, and Recreation Advisory Board respectively had been made.

The County Manager asked that a resolution for the addition of Olde Thompson Creek Road to the North Carolina System of Secondary Roads be added to the Agenda as Item #8A.

Commissioner Emerson moved, seconded by Commissioner Outz, to approve the Agenda and Consent Agenda with the noted requests. The motion carried five (5) to zero (0).

**CONSENT AGENDA**

1. **Minutes:** Consideration of a request to approve Board minutes for regular meeting held April 04, 2005 and Work Session held April 04, 2005

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

2. **Road Name:** Consideration of a request from citizens to approve the naming of a private road in Chatham County as follows:

- A. Fritts Family Drive

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

3. **Resolution Honoring the Service of Chatham County's Volunteers:** Consideration of a request to approve **Resolution #2005-23 Honoring the Service of Chatham County's Volunteers**, attached hereto and by reference made a part hereof.

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

4. **Sketch Design Review Approval of "Bland Tract Subdivision":** Consideration of a request by Trenton Stewart on behalf of Brantley Powell for subdivision sketch design approval of **"Bland Tract Subdivision"**, consisting of 60 lots on approximately 113 acres, located off US Highway #15-501 North in Williams Township

As per the Planning Department and Planning Board recommendation, sketch design approval of "Bland Tract Subdivision" was granted as submitted.

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

5. **Sketch Design Approval of "Bingham Ridge":** Consideration of a request by J & B Partners, LLC, for subdivision sketch design approval of **"Bingham Ridge"**, consisting of 24 lots on approximately 97 acres, located off SR #1536 [Lamont Norwood Road], in Baldwin Township

As per the Planning Department and Planning Board recommendation, sketch design approval of the plat was granted as submitted with the following condition:

1. Prior to preliminary plat submittal, the developer shall evaluate a more efficient septic layout for Lots #17-24 (taking into consideration the location of the well on the Thomas Harris property).

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

6. **Preliminary and Final Plat Approval of "Survey for John M. Stone and Mary A. McQuiston":** Consideration of a request by John M. Stone for subdivision preliminary and final approval of **"Survey for John M. Stone and Mary A. McQuiston"**, consisting of two (2) lots on approximately 15 acres, located off SR #1941 [Seaforth Road], in New Hope Township

As per the Planning Department and Planning Board recommendation, preliminary and final approval of "Survey for John M. Stone and Mary A. McQuiston" was granted as submitted.

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

7. **Final Plat Review of "Cedar Grove, Phase II":** Consideration of a request by MAC Development, LLC, for subdivision final approval of **"Cedar Grove, Phase II"**, consisting of eight (8) lots (Lots #6 – #13), on approximately 23 acres, located off SR #1540 [Jones Ferry

Road], in Baldwin Township

- As per the Planning Department and Planning Board recommendation, final plat approval for Cedar Grove, Phase II, Lots #6-13 were granted as submitted.

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

8. ~~**Sound/Amplification System:** Consideration of a request to approve funds, up to \$9,000.00, to purchase sound/recording equipment~~

- This item was approved at the Work Session held earlier in the day.

- 8A. **Resolution for Addition of Road to NC System of Secondary Roads – Olde Thompson Creek Road:** Consideration of a request to approve **Resolution #2005-24 for the Addition of Streets or Roads to the North Carolina System of Secondary Roads – Olde Thompson Creek Road in Olde Thompson Creek Subdivision**, attached hereto and by reference made a part hereof.

**END OF CONSENT AGENDA**

## **PUBLIC INPUT SESSION**

**Howard Kuster**, 2908 Goldston Carbonton Road, Gulf, NC, expressed dissatisfaction with regard to the newly increased Impact Fee doubling on short notice. He stated that the Board advertised the fee one day and put it into effect the next day; that he was already in the process of installing mobile homes on his property; that he already has the plumbing and septic tank permits; that the County is now demanding \$3,000 more; that he doesn't understand why this is being done to people who are already in the process of doing this; that he is a disabled veteran who lives with his six grandchildren, two daughters, his wife, and their husbands because he cannot get them on the property; that the Impact Fee was doubled to folks who were already permitted to putting them in; that this is wrong; that all permits have been paid; that people have been paid to move the mobile homes; and that he has no where to move them since the Impact Fee has been doubled; that he doesn't see how his family will impact anything since they were born and raised on the land, have gone to school there and will continue to do so; and that the ones who are getting burned the most are the ones who already live in the County.

The Chairman stated that he could not promise anything, but that the matter would be researched and addressed.

## **BOARD OF COMMISSIONERS' MATTERS**

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

**Public Hearing on Request by Liberty Chapel Church of Christ:** Public hearing to receive public comments on a request by Liberty Chapel Church of Christ on the closure of various street rights-of-way in the Haywood Community

-

The Chairman opened the meeting for public comments.

-

**Jerry Taylor**, PO Box 60, Moncure, NC, stated that he represented Liberty Chapel Church; that the church bought the Johnson property with the streets on it; and that they would like to close the streets so that they can properly lay out the church's property.

-  
**Henry Manning**, 260 Moncure Loop Road, Moncure, NC, questioned why Haywood needed to be changed when it has been like this for years. He stated that he felt it was fine the way it was. He also stated that he thought he owned some of the property in question.  
-

The Chairman closed the public hearing.

As per the Planning Department recommendation, Commissioner Emerson moved, seconded by Commissioner Outz, to remove the unnamed alley between lots 179 and 180 and 181; unnamed alley between lots 155 and 156 and 178 and 179; and Lindley Street in its entirety from Exhibit A and adopt **An Ordinance Permanently Closing Certain Streets in Haywood**, attached hereto and by reference made a part hereof. Exhibit A is also attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

**Public Hearing on Community Development Block Grant – Economic Development Funds:**  
Public hearing (second of two) to receive public comments on a request to apply for Community Development Block Grant – Economic Development funds

**Tony Tucker**, Chatham County Economic Development Director, encouraged the Board to move forward with the project due to the extraordinary opportunity offered the County. He stated that there is a building with 200,000 square feet that is sitting empty in the Town of Goldston; that they have been trying to find a new tenant for the building; that there have been some waste water treatment problems that seemingly could not be overcome with existing septic tanks, etc.; that an industry could not be placed in the building until the issue was resolved; that this problem has been on-going for approximately two and one half years; that American Moulding and Millworks wants to expand into the building; that a request had been made from the State requesting help with the installation of a sewer line; that entailed the company creating at least seventy-five jobs; and that the grant is to run a sewer line from Lee County to the building in Goldston. He encouraged the Board to move forward stating that it was a great opportunity, that the Economic Development Commission, Town of Goldston, and the Board of Commissioners has worked hard on this, and that it is a win-win situation for everyone.

**Bill Lester**, with Hobbs, Upchurch & Associates stated that one of the major obstacles to providing sewer there is finding a method of treatment and/or disposal of the sewage; that sewer is going to be provided to an industry which will leverage the grant funds requested by creating jobs and creating taxable income for the community. He stated that this is a community development block grant for economic development through the NC Department of Commerce; that its purpose is to provide sewer to the facility; that project includes two pump stations to transport the waste water to the City of Sanford; and that the future extensions of the sewer grant to pick other customers along the line will be something that will be considered at a later date that would require other funding.

The Chairman closed the public hearing.

Commissioner Emerson moved, seconded by Commissioner Outz, to adopt the following resolutions, attached hereto and by reference made a part hereof,

**Resolution #2005-25 Approving Administrative Guidelines and Policies for the 2005 Community Development Block Grant – Economic Development Project**

**Resolution #2005-26 in Support for the Submission of a Community Development Block Grant for Economic Development**

**Resolution #2005-27 to Execute Community Development Block Grant Related Documentation**

**Resolution #2005-28 of Commitment to Further Fair Housing**

**Resolution #2005-29 Concerning Community Development Code of Conduct**

and to approve the Chatham County Recipient's Plan to Further Fair Housing, Chatham County Equal Employment and Procurement Plan, Chatham County Procurement Policy for the CDBG Grant Project, Chatham County Section 3 Plan for Employment Opportunities for Businesses and Lower Income Persons, Chatham County Residential Anti-displacement and Relocation Assistance Plan, Chatham County Citizen Participation Plan, and CDBG Economic Development Grant Project Assessment Policy. All are attached hereto and by reference made a part hereof.

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

**Public Hearing on FY 2005-2006 Rural Operating Assistance Program:** Public hearing to receive public comments on the FY 2005-2006 Rural Operating Assistance Program

Helen Stovall explained that the North Carolina Department of Transportation Public Transportation Division (NCDOT/PTD) has combined their three operating assistance programs into one application process; that these three programs are Rural General Public (RGP), Elderly and Disabled Transportation Assistance Program (EDTAP), and the Work First Transitional/Employment Transportation Assistance Program; that EDTAP funds are used to provide additional transportation services for the elderly and disabled, exceeding the quantity of trips provided prior to receipt of the funds; that the Work First Transitional/Employment Transportation Assistance program supports transitional transportation needs of Work First participants after eligibility for cash assistance has concluded and other general employment transportation needs; that the Rural General Public funds must be used in a manner consistent with the local General Public Service Plan already approved and on file with NCDOT/PTD.

She explained that County governments are the only eligible applicants for these funds; that it is the responsibility of the County Commissioners to sub-allocate and distribute the funds to local agencies; that NCDOT/PTD has allocated \$50,621 in Rural General Public (RGP) funds to Chatham County for FY 2005-2006; that RGP funds can only be allocated to the local Community Transportation System which in Chatham County is Chatham Transit Network (CTN); that these funds require a local match which is provided to CTN by United Way of Chatham County; that Work First Transitional/Employment funds can only be allocated to the Community Transportation System (CTN) or Department of Social Services; that Chatham Transit Network has always been the recipient of these funds; that the total amount allocated for Chatham County is \$6,243; and that the EDTAP allocation for the County is \$49,152.

She stated that the Board of Directors of Chatham Transit Network is recommending the following distribution of these funds:

|                                  |               |
|----------------------------------|---------------|
| Chatham County Council on Aging  | \$35,928      |
| Chatham County Group Homes, Inc. | 2,151         |
| Chatham Transit Network          | <u>11,073</u> |
| Total                            | \$49,152      |

The allocation to Chatham Transit Network will be used in the following manner:

|  |            |
|--|------------|
| Chatham Trades                         | \$ 3,000   |
| Central Carolina Community College     | 1,500      |
| Early Intervention and Family Services | 500        |
| OPC Mental Health                      | 3,000      |
| Chatham County Together                | 1,740      |
| Chatham County Group Homes             | 1,000      |
| Chatham Transit Network                | <u>333</u> |
| Total                                  | \$11,073   |

**Rosa Sutton** 1002 12<sup>th</sup> Street, Siler City, NC, voiced concern that the smaller companies in the County are not given the opportunity for monetary allocations. She stated that Sister to Sister Solutions was never included in the allocations; that they are open twenty-four hours per day seven days per week; that the shift changes does not have any affect on what they do; that their agency has been able to sustain their own selves for the last two years; and that the Board will continue to hear from her until she feels that distribution of funds are being made equitably.

**Theresa Isley**, 2255 South Second Avenue Extension, Siler City, NC, stated that she was a volunteer for Voices for Action; that she is also a domestic violence advocate for the Coalition for Family Peace, Family Violence, and Rape Crisis; that earlier in the year, there was a transportation survey done; that her concern is about transportation for the “everyday person”; that even though there might be a service, they are not as well-served as those for which the stipulations/allowances are made; that these people have to pay out of their pockets to use the transportation; that she has personally called to make appointments for people to have transportation to certain places; that sometimes it did not happen the way that it should have; that she feels if services are going to be advertised, they want to know that they can be depended upon; that she hopes Ms. Stovall and Ms. Sutton can partner their services as her concern is for the County.

The Chairman closed the public hearing.

### **BOARD OF COMMISSIONERS' MATTERS**

**FY 2005-2006 Rural Operating Assistance Program:** Consideration of a request to approve the sub-allocation of the FY 2005-2006 Rural Operating Assistance Program (ROAP) funds

Commissioner Barnes moved, seconded by Commissioner Cross, to approve the sub-allocation FY 2005-2006 Rural Operating Assistance Program (ROAP) funds. The motion carried five (5) to zero (0). The allocation recommendation is attached hereto and by reference made a part hereof.

### **PLANNING AND ZONING**

**Request for B-1 Conditional Use District with Conditional Use Permit for Landscape Business, Lawn and Garden Shop, and Florist** Consideration of a request by Christopher M. Fortunes on behalf of Royce and Faye Webster for a B-1 Conditional Use District with a Conditional Use Permit for landscape business, lawn and garden shop, and florist shop on approximately 3.8 acres, located off Highway #64, New Hope Township

As per the Planning Department and Planning Board recommendation, Commissioner Barnes moved,

seconded by Commissioner Outz, to approve approval of the request for a B-1 Conditional Use District with a Conditional Use Permit for landscape business, lawn and garden shop, and florist shop on approximately 3.8 acres, located off Highway #64, New Hope Township with the following conditions:

1. Landscaping shall be as shown on the site map entitled "Evergreen Companies, Inc" and as required by the Chatham County Appearance Commission. All required landscaping shall be installed prior to the certificate of occupancy being issued for the structure.
2. There shall be one security pole light, height of pole not to exceed eighteen feet, shielded to prevent direct skyward glare or spillage onto adjacent properties, located at the rear of the building in the employee parking/equipment storage area. Low voltage landscape lighting (15 watts) may be installed around the building to highlight landscapes and plant materials. Lighting, except for security lighting and low voltage (15 watts), shall be timed to go off ½ hour after normal business hours and go on no more than 1/2 hour before normal business hours. All lighting must conform to the draft Chatham County Lighting Ordinance.
3. A 4 foot x 8 foot monument style sign with low-voltage (15 watts) shall be located in front of the structure.
4. A building permit shall be obtained within 12 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.
5. The amount of impervious surface area coverage shall be verified by a licensed engineer prior to issuance of the certificate of occupancy.
6. Traffic generated to and from this property is that which is generally associated with retail business and employee parking and use for the purposes of job-site preparations. There will also be weekend traffic to satisfy the needs of the area and the growth of the business.
7. County water shall be utilized as per the Chatham County Water Connection Policy.
8. Fencing shall be installed on the west side of the structure to enclose the area shown on the site plan labeled as, "trees, plant inventory and display area". All required fencing shall be installed prior to the certificate of occupancy being issued for the structure.
9. An as-built calculation of impervious surface area must be furnished to staff prior to a certificate of occupancy issued for the final structure.

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

**Request for Revision to the Existing Conditional Use Permit for Planned Unit Development:**

Consideration of a request by Jeff Hunter on behalf of Colvard Farms for a revision to the existing Conditional Use Permit for a Planned Unit Development for a cluster development to add approximately 14 acres of land to consist of 14 lots, located off Highway #751, Williams Township

As per the Planning Department recommendation, Commissioner Outz moved, seconded by Commissioner Emerson, to grant approval of the request to modify the existing Conditional Use Permit for a Planned Unit Development for a cluster development to add approximately 14 acres of land and approval of the subdivision sketch design consisting of 14 lots with the following condition:

1. Colvard Farms Development Company shall provide a 30-foot wide perpetual, deeded access easement from the Hackney/Cates property, parcel #19671, to the Colvard Farms Road.

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

**Request to Locate Communication Towers and Co-Locations:** Consideration of a request by Gray Styers, Jr. on behalf of Cingular Wireless to locate communication towers and co-locations within Chatham County for the 2005 Tower Plan

As per the Planning Department recommendation, Commissioner Emerson moved, seconded by Commissioner Outz, to approve the Cingular Wireless request for three additional towers and one co-location as submitted with an increase in height of tower 368-386 to 199 feet unless Cingular Wireless provides information justifying a lesser height of 175 feet. All three towers may be increased to the maximum amount allowed if the ordinance is amended. The motion carried five (5) to zero (0).

**Request to Locate One Communication Tower in Harpers Crossroads Area:** Consideration of a request by Chatham County to locate one (1) communication tower in the Harpers Crossroads area for the 2005 Tower Plan

This item was tabled in the work session held earlier in the day.

## **BOARDS AND COMMITTEES**

**Human Relations Committee:** Consideration of a request to appoint a member to the Human Relations Committee

Commissioner Outz moved, seconded by Commissioner Emerson, to appoint Ms. Betsy Cockman, PO Box 691, Pittsboro, NC, to the Human Relations Committee. The motion carried five (5) to zero (0).

## **MANAGER'S REPORTS**

### **Sound/Amplification System Clarification:**

The County Manager asked the Board for clarification in their earlier action taken on the purchase of a new "Sound/Amplification System". He asked if they had suspended their formal bid policy process and given staff instructions to proceed with the purchase.

Commissioner Emerson confirmed that that was the intent of his motion. By consensus, the Board agreed.

## **COMMISSIONERS' REPORTS**

### **First Health Budget:**



Commissioner Outz asked about the First Health contract renewal. He stated that he had heard a lot of complaints with regard to First Health charging \$500-600 to be transported to Chapel Hill. He asked if the County received an audit report on them.

The County Manager stated that a report could be obtained on their activities but that the County could not get a report on their financial condition as it was proprietary information.

### **ADJOURNMENT**

Commissioner Outz moved, seconded by Commissioner Cross, that the meeting be adjourned. The motion carried five (5) to zero, and the meeting was adjourned at 7:35 PM.

---

Bunkey Morgan, Chairman

ATTEST:

---

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