

**MINUTES**  
**CHATHAM COUNTY BOARD OF COMMISSIONERS**  
**REGULAR MEETING**  
**JUNE 04, 2007**

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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, located in Pittsboro, North Carolina, at 9:00 AM on June 04, 2007.

Present: Chairman Carl Thompson; Vice Chair, George Lucier; Commissioners Patrick Barnes, Mike Cross, and Tom Vanderbeck, County Manager, Charlie Horne; Assistant County Manager, Renee Paschal; County Attorney, Kevin Whiteheart; Interim County Attorney, Jep Rose; and Clerk to the Board, Sandra B. Sublett

**INVOCATION AND PLEDGE OF ALLEGIANCE**

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

**CALL TO ORDER**

The meeting was called to order by the Chairman at 9:01AM.

**AGENDA AND CONSENT AGENDA**

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

Commissioner Lucier moved, seconded by Commissioner Cross, to approve the Agenda and Consent Agenda as follows:

1. **Minutes:** Consideration of a request for approval of Board Minutes for regular meeting held May 21, 2007, work session held May 21, 2007, and continued meeting on Moratorium held May 22, 2007

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

2. **Road Names:** Consideration of a request from citizens for the naming of private roads in Chatham County as follows:

A. Clubhouse Lane                      B. Terrells Trace

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

3. **Recreation Master Plan Request:** Consideration of a request to exempt the provisions of GS 143-64.31, request pricing in solicitation for a Recreation Master Plan, and adopt **Resolution #2007-24 to Exempt the County from the Provisions of GS 143.64.31**, attached hereto and by reference made a part hereof.

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

4. **Child Health Funds Acceptance for Health Department:** Consideration of a request to accept Child Health funds in the amount of \$3,500.00 awarded to the Health Department from the WCH/Children’s and Youth Branch

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

5. **Work First Demonstration Grant:** Consideration of a request to approve the Work First Demonstration Grant application, attached hereto and by reference made a part hereof.

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

6. **Request to Add “Bells” to State and County Maps:** Consideration of a request to add “Bells” located in Chatham County to the State and County maps

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

A copy of the letter is attached hereto and by reference made a part hereof.

7. **Resolution Requesting Assistance from Speaker of House for Funding Improvements to Northwood High School:** Consideration of a request to adopt a **Resolution #2007-25 in Support of The Chatham County Board of Education’s Request for State Funding to Widen Northwood High School Road**, attached hereto and by reference made a part hereof.

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

### **END OF CONSENT AGENDA**

### **NEW COUNTY ATTORNEY**

Chairman Thompson introduced the new County Attorney, Kevin Whiteheart and welcomed him in his new position with the County.

Commissioner Barnes stated that Commissioner Lucier, Mr. Whiteheart, and he had attended a meeting in Apex on Thursday to discuss the wastewater line that is crossing Chatham County with the Army Corps of Engineers and other State agencies. He stated that he saw Mr. Whiteheart in action, that he is a good attorney; and that he did a superb job.

### **PUBLIC INPUT SESSION**

**Genevieve Megginson**, Partnership for Children Director, 200 Sanford Highway, Suite 4, Pittsboro, NC, stated that there has been a well-designed committee process to review non-profit requests for funding; that the County has been generous in funding human services through the non-profit networks; that human services are complicated especially with regard to young children and their families; that there might be some misconceptions; that one of those about which she would like to speak is the Chatham County Partnership’s request for funding for Safe Start Project; that Chatham County started the Safe Start Project under a federal grant that was awarded in the year 2000; that Chatham was one of the eleven sites that was awarded the project; that the focus of the project was to identify how communities can come together to work to address the issues of young children exposed to violence; that this project was started because of the research in many case studies have shown that the impact of witnessing violence, especially between a child’s parents and the parents and older siblings is more traumatic for a child than the impact of witnessing a hurricane, tornado, etc.; that the impact is long-term and has significant life-long effects on children; that when intervention comes early, the impact is reduced and the children are able to have more successful lives; that the Safe Start Project in Chatham County has been very successful; that they help from Representative Bob Etheridge; that they have been able to keep the project funded for a few more months; that they provide essential services to coordinate the identification of the children who are exposed to violence and the connection of those children with available services for which they are eligible; that eighty-five percent of the children are receiving services through Medicaid funding; that there is another small percent that do not have Medicaid funding and for whom they have to find private dollars to help support the cost when the parents cannot afford it nor insurance will cover it; that they have worked very hard through the project to ensure that they are not duplicating services; that is no other agency in Chatham County or the State who is responsible for children who are the silent victims of violence; that they have also worked to ensure that they have secured as much private funding as possible; and that she hopes that the Board will take a second look at the funding for Safe Start.

Ms. Megginson answered questions from the Board regarding Smart Start funding.

**Kathleen Hundley**, Friends of the Rocky River and the Rocky River Heritage Foundation, PO Box 1177, Pittsboro, NC, thanked the Board for providing a grant to the Chatham County Schools to support the NCSU program to monitor the Rocky River. She stated that this program would be important, not only to the river, but for high school students to learn hands-on science; that the students will also serve as a communication conduit to their parents and residents along the river to give reports on the health of the river as they learn to communicate issues that may arise that threaten the river.

**Sonny Keisler**, Friends of the Rocky River, 3601 River's Fork, Sanford, NC, stated that being able to monitor the river is important; that equally important is the ability to get information out to the citizens and educate them as to what is happening in the Rocky River alley; and that they were awarded a \$10,000.00 grant from Z. Smith Reynolds to the Rocky River Heritage Foundation for community education purposes; that when the grant was proposed, a \$10,000.00 match was included from the County; and that now that Z. Smith Reynolds has awarded the grant, he is unsure of the exact grant match; and that they hope that the County will work with them to ensure that the grant can be matched to do a better job of citizen education.

**Bill Sommers**, 29 East Madison, Fearington Village, Pittsboro, NC, stated that at the next Board of Commissioners' meeting, McDowell Place will come before the Board; that he wanted to be certain that his two memorandums on this matter were entered into the record. He presented copies to the new County Attorney for review. He expressed his appreciation to the Board for removing the item from the Consent Agenda at a prior meeting and delaying a decision on it. He stated that he had no vendetta against Fitch Inc. and their operation stating that his concern that the Board should not allow their laws to be interpreted personally to the extent that admonitions in the law are frustrated. He stated that the statement on this issue in the Subdivision Ordinance is very clear and should be enforced if it is an obstruction that can be solved by a further amendment or consideration; that he wonders why the law, particularly in this case of the preliminary plan, and the pressure of the Planning Board and the Board of Commissioners had on them for multiplicity of application, this part of the Subdivision Ordinance should be enforced; that he admires the work the Board has done in implementing this; and he hopes that it continues.

**Sally Kost**, 1101 New Hope Church Road, Apex, NC, stated that within the last week, she had received telephone calls and e-mails from neighbors asking her what they could do about a problem that they were having on New Hope Church Road; that she has pictures showing the problems with regard to the road from a year earlier that have now been corrected; that when she realized the NCDOT was going to be attending the meeting, she wished to bring a matter to their attention. She stated that the dump trucks are destroying the roads; that neighbors and she had counted at least sixty dump trucks coming from the Amberly Subdivision going to properties in Chatham County to dump 60-70 loads of dirt per hour; that some of these are in violation of disturbing one acre or more of soil; that Jim Willis with Soil and Erosion Control has been very good about approaching those folks; that NCDOT has been very responsive with regard to repairing the road, but it became a weekly thing; that the trucks are traveling approximately 60-70 miles per hour; that she has been run off the road several times; that there are many bicyclist on the road; that even the dump trucks go into the other lane to miss the potholes that they have created; that she realizes that the roads are a State problem, but wonders if the County Manager could be charged with figuring out how to coordinate with the State; and that perhaps the Erosion Control Amendments could be amended to require only a certain amount of dirt.

## **SECONDARY ROADS PRESENTATION**

**Secondary Roads Presentation:** Presentation of the 2007-2008 Secondary Roads Presentation for Chatham County by Reuben Blakley, District Engineer and adoption of Resolution for Secondary Roads for the Chatham County Secondary Road Improvement Program for FY 2007-2008

**Secondary Roads Program:** Presentation of the 2007 Secondary Roads Program for Chatham County by Reuben Blakley, District Engineer

Reuben Blakley, District Engineer for the North Carolina Department of Transportation, Division of Highways, introduced Tim Johnson, Division Engineer, Jeff

Picklesimer, Division Maintenance Engineer, Benny Sloan, Chatham County Maintenance Engineer, and Damon Webb, Assistant District Engineer presented the Secondary Roads Improvement-Highway Funds Program for Chatham County. He reviewed the 2007-2008 proposed allocations for unallocated highway funds and unallocated trust funds, a copy attached hereto and by reference made a part hereof.

Mr. Blakely answered questions from the Board.

Commissioner Lucier asked that the Sheriff be contacted to monitor New Hope Church Road and Highway Patrol for speeders. Mr. Blakely stated that the DMV could also ticket people for speeding and reckless driving.

Commissioner Lucier moved, seconded by Commissioner Barnes, to adopt **Resolution #2007-26 for Secondary Roads for the Chatham County Secondary Road Improvement Program**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

### **PLANNING AND ZONING**

#### **County Zoning:** Discussion of zoning portions of the County

The Board discussed zoning along the major corridors in the County based on the recommendations of the Major Corridor Ordinance Committee.

Keith Megginson, Planning Director, commented that staff had prepared a map indicating areas for initial zoning in which the Commissioners had expressed an interest during previous meetings. He further stated that an unzoned area along US Highway #1 was also added to the map that had not been discussed by the Board of Commissioners, but was adjacent to a four-lane highway.

Commissioner Lucier asked the Planning Director if the areas proposed for zoning along the major corridors, other than the Highway #87 area, were shown as 1000 feet from the right-of-way. Mr. Megginson responded that they were 1500 feet.

Commissioner Lucier stated that he would prefer to zone the areas shown on the map to RA-40; that existing businesses within those areas be zoned RA-40 and made non-conforming; and that grandfathering provisions in the Zoning Ordinance apply to the existing businesses.

Mr. Megginson was asked about a timeline for processing the zoning. He stated that the Planning Board would need to make a recommendation on any initial zoning prior to scheduling the public hearing. He further stated that it could be placed on the July 10<sup>th</sup> Planning Board meeting agenda for a recommendation; that the Board of Commissioners could make a recommendation on July 16<sup>th</sup>; and that a public hearing could be scheduled in August.

Commissioner Lucier moved, seconded by Commissioner Cross, to forward the proposed areas of 1,500 feet each side of the corridors and others shown on the map to the Planning Board for a recommendation at their July 10<sup>th</sup> meeting, that the areas be zoned RA-40, and that existing businesses within those areas be identified as non-conforming. The motion carried five (5) to zero (0).

Commissioner Cross stated that at some point in time, they will have to educate and zone the remainder of the County; that there are too many things that can happen and have already happened in that area; that he doesn't think that the citizens who live there would have allowed if they had had a choice (i.e. Highway #421 NC Sports Arena); that things like that can happen without zoning; and that at some time, he hopes that the Board will consider it.

Commissioner Barnes stated that he hoped that it was the sitting Board who considered it; that he thinks that the entire County needs to be zoned; that if it is put-off, it will never happen; that he thinks education should be implemented and that seriously consider zoning the rest of the County so that they can cease to make some of the mistakes.

Commissioner Vanderbeck stated that he had heard from a lot of his constituents who would like some sort of zoning; that he would like them to speak up, write-in, organize, and help the Board move this along. He stated that it needs to happen soon; that he thinks that in

the moratorium, they will be working on updating the Land Use Plan and getting the maps with more specificity; that people see the picture coming together; and that he feels that they will get more positive persuasion from their people to move on it.

Chairman Thompson stated that he feels education is important; that he thinks one of the problems of people opposing zoning is the fact that they don't know what the benefits of zoning may be; that he would agree that it would be a first process to educate people before the Board moves any further; that the question remains as to whether there is a need; that he doesn't think that they should zone unless there is a need to zone; that he doesn't see the need now; that if the statistics show that even with the water lines in particular areas, that there is that much of an increase in residential growth; that part of the County has suffered economically; that he doesn't think that even with water lines, there will be a "Briar Chapel" located there anytime soon; that the demand just doesn't exist; that he thinks that while they sense or feel the need to zone because of the tremendous amount of residential growth pressures, he doesn't see the anticipated growth there; and that he feels that if the need is not there, why get into it in the foreseeable future.

Commissioner Cross stated that he thinks that the Board has a duty because they recognize the importance of having some control over growth before it happens and sends up another signal; that he would like to recommend that they proceed with the commercial corridors rezoning approval and go directly into public information sessions concerning County zoning and see what kind of feedback they receive from the forums; that even if they start with forums instead of public hearings, they don't all have to go at the same time to collect the information; that they should understand what they are saying but they know the benefits of zoning; that is why they need to educate the remainder of the citizens; that he thinks it is their responsibility to proceed with it before something else occurs that no one wants; and at that point, they would be screamed at to make it happen.

Commissioner Cross moved, seconded by Commissioner Barnes, to begin public information meetings for citizen input: Silk Hope, Goldston and Bennett School forums with at least two commissioners attending to collect the information, and then decide from there whether they go to the Planning Board for their recommendation and that this should be done immediately after the conclusion of the Commercial Corridor Zoning for County-wide zoning. The motion carried five (5) to zero (0).

**Moratorium:** Continuation of moratorium discussion with a potential forthcoming decision on whether or not to implement a moratorium

Jep Rose, Interim County Attorney reviewed the changes to the proposed moratorium. A question and answer period ensued

Commissioner Barnes asked if "sketch design" was exempted from the moratorium. By consensus, the Board agreed that any application submitted for "sketch design" after May 07, 2007 was affected; that any application submitted prior to that date would not be affected by the moratorium; and that there will be no "sketch design" to come before the Planning Board or the Board of Commissioners submitted after May 07, 2007.

Commissioner Vanderbeck asked, in anticipation of questions and clarifications at Planning Board meetings, if it would be possible for the new County Attorney to attend the Planning Board meetings. Kevin Whiteheart, County Attorney, agreed to attend the Planning Board meetings.

Commissioner Vanderbeck moved, seconded by Commissioner Lucier, to adopt the Moratorium Ordinance with the proposed changes. The motion carried five (5) to zero (0). A copy of the moratorium with suggested changes and a final version are attached hereto and by reference made a part hereof.

### **MANAGER' S REPORTS**

The County Manager had no reports.

### **COMMISSIONERS' REPORTS**

Commissioner Barnes informed the Board of the second meeting on Thursday, May 31, 2007, held with the Western Wake Regional Wastewater Management Facilities. He stated that Chatham County volunteered and then was invited to participate in this; that the County had four people on the Project Delivery Team; that this is the proposed wastewater treatment plant to be built by Western Wake County at New Hill; that it has created quite a bit of controversy; that the meeting was attended by Bill Sommers, George Lucier, Kevin Whiteheart, and himself; that their interest is that Western Wake proposed the plant, has done work on it for six years, and without discussion or permission with Chatham County, decided to run their wastewater treatment line across from New Hill to Buckhorn Dam, 9.4 miles across Chatham County; that the Corps was unaware that Chatham was not involved in it; that at the first meeting where he presented it, they were shocked; that they told them that Chatham was not partners in the Western Wake Regional Wastewater Plant, but since they want to run the line across Chatham County, Chatham has become a "player" as per the Corps; that he proposed that Cary and its associates have taken the entire 38 million gallons per day discharge leaving Chatham County nothing, that Phase I plant will be 18 million gallons per day so in order to discuss with Chatham County the wastewater line going across Chatham, he suggested that instead of them building their Phase II plant, they give Chatham County the remaining 22 million gallons per day; that this did not go over well, but he would like to see the County get its share; and that Chatham may actually, at this point, have a little leverage for attaining an allocation for wastewater in Chatham County, maybe using it for Cary's proposed annexation into Chatham, and maybe leverage for making certain that Chatham's Jordan Lake which Cary refers to as their water supply.

### **PRESENTATION TO INTERIM COUNTY ATTORNEY**

On behalf of the Board of Commissioners, Chairman Thompson presented the Interim County Attorney, Jep Rose, with a gift in appreciation of his service to Chatham County stating that Mr. Rose had been a steady, guiding hand to the County. He thanked him for providing sound legal advice to the Board since December, 2006.

Mr. Rose thanked the Board and stated that they had been wonderful to work with; that they are very enthusiastic with enthusiastic supporters; that Chatham County is a great place; that he is sorry to be leaving, but that Chatham is a long way from Rocky Mount; that the Board has a good attorney; and that he thinks things look great for Chatham County.

### **CLOSED SESSION**

Commissioner Barnes moved, seconded by Commissioner Lucier, to go out of Regular Session and convene in Closed Session for the purpose of discussing Attorney/Client Privilege. The motion carried five (5) to zero (0).

### **REGULAR SESSION**

Commissioner Barnes moved, seconded by Commissioner Lucier, to adjourn the Closed Session and reconvene in Regular Session. The motion carried five (5) to zero (0).

### **ADJOURNMENT**

Commissioner Barnes moved, seconded by Commissioner Lucier, to adjourn the meeting. The motion carried five (5) to zero (0), and the meeting adjourned at 10:30 AM.

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Carl Thompson, Chairman

ATTEST:

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