

**MINUTES**  
**CHATHAM COUNTY BOARD OF COMMISSIONERS**  
**REGULAR MEETING**  
**JANUARY 17, 2006**

---

The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met in the District Courtroom, 12 East Street, located in Pittsboro, North Carolina, at 6:00 PM on January 17, 2006.

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 meeting was called to order by the Chairman at 6:05 PM.

**PLEDGE OF ALLEGIANCE AND INVOCATION**

Chairman Morgan invited everyone present to stand and recite the Pledge of Allegiance after which Commissioner Emerson 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 #14, a public hearing to receive public comments on a request by John W. Blair for a Conditional Use Permit for a self-storage facility/mini-warehouse storage facility with related retail and services and – Uses and structures customarily accessory to any permitted use – specifically for *boat, recreational vehicle and other self-storage and an associated residential use* located at the southeast intersection of SR #1700, Mt. Gilead Road and SR #1714 Hatley Road and New Hope Township be removed from the Agenda and considered at the March 20, 2006 Board of Commissioners’ meeting at the request of the applicant. He also asked that Item # 17, consideration of a request to appoint a member to the Recreation Advisory Board by Commissioner Barnes be considered at a later date.

Commissioner Cross asked Item #6, consideration of a request to approve **Resolution Authorizing the Destruction of Electronic Recordings of Chatham County Board of Commissioners’** be amended to read that the tapes and/or electronic recordings be retained as long as the longest serving Commissioner on the Board.

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

**CONSENT AGENDA**

1. **Minutes:** Consideration of a request to approve Board minutes as follows:

January 03, 2006 Regular Meeting  
January 03, 2006 Summit Session  
January 04, 2006 Summit Session

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. Alexandra Avery Drive

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

3. **Contract Renewal for Register of Deeds Office Automation:** Consideration of a request for renewal of contract with Logan Systems, Inc. for indexing, scanning, and retrieval of records for Chatham County Register of Deeds' Office. The contract is attached hereto and by reference made a part hereof.

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

4. **Final Plat Design Approval of "Bingham Ridge":** Consideration of a request by J & B Partners, LLC for subdivision final plat approval of **"Bingham Ridge"**, consisting of 24 lots on 97 acres, located off SR #1536, Lamont Norwood Road and Baldwin Township

As per the Planning Department, final plat approval of "Bingham Ridge" was granted as submitted.

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

5. **Final Plat Approval of "Cattail Creek, Phase 2":** Consideration of a request by PK Chatham for subdivision final plat approval of **"Cattail Creek, Phase 2, Lots #14-18"**, consisting of five lots on 11 acres, located off SR #1506, White Smith Road and Hadley Township

-  
As per the Planning Department and Planning Board, final plat approval of "Cattail Creek, Phase 2, Lots #14-18" was granted as submitted.

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

6. **Board of Commissioners' Minute Recordings:** Consideration of a request to approve **Resolution #2006-02 Authorizing the Destruction of Electronic Recordings of Chatham County Board of Commissioners' Meetings**, attached hereto and by reference made a part hereof.

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

7. **Project Ordinances for Social Services Addition and Renovation and Building Renovations:** Consideration of a request to approve the project ordinances for the Department of Social Services addition and renovation and building renovations. The ordinances are attached hereto and by reference made a part hereof.

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

**END OF CONSENT AGENDA**

**PUBLIC INPUT SESSION**

There was no one present who wished to make public comments.

**PLANNING AND ZONING**

**Sketch Design Approval of “The Hamptons”:** Consideration of a request by Windjam 23, LLC for subdivision sketch design approval of “The Hamptons”, consisting of 89 lots on 183 acres located off SR #1700, Mt. Gilead Church Road and Baldwin Township

As per the Planning Department recommendation, Commissioner Emerson moved, seconded by Commissioner Outz, sketch design approval of “The Hamptons” was granted with the following conditions:

1. The preliminary plat shall be revised to include the following:
  - ❖ Dedication of public right-of-way and utilities to the Warren and Wayne Strowd property
  - ❖ Temporary Turn-arounds at the road stubs to the Strowd property and Chatham Land and Timber property
  - ❖ Public utility easement(s) between Phase 2 & 3
  - ❖ Useable area for Lots 21-24
  - ❖ Lot areas
  - ❖ Water Hazard note
2. The developer shall evaluate the possibility of providing pedestrian access between Phases 2 and 3 and if found feasible, shown on the preliminary plat.
3. The developer shall have a traffic analysis performed to include existing and proposed developments with recommendations of said analysis incorporated in the preliminary design.

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

**Conditional Use Permit for Planned Unit Development and Daycare Facility:** Consideration of a request by North Chatham Investments, Inc. for a Conditional Use Permit for a Planned Unit Development and Daycare Facility within the existing RA-40 zoning district and a B-1 Conditional Use Business District with a conditional Use Permit for various uses on approximately 98.5 acres located off US #15-501 North and SR #1721 Lystra Road and Williams Township

After considerable discussion, Commissioner Outz moved, seconded by Commissioner Emerson, to adopt **An Ordinance Amending the Zoning Ordinance of Chatham County**, attached hereto and by reference made a part hereof. The motion carried four (4) to one (1) with Commissioner Barnes opposing.

Commissioner Emerson moved, seconded by Commissioner Outz, to adopt **Resolution #2006-03 Approving An Application for a Conditional Use Permit for a Request by North Chatham Investments, Inc.**, attached hereto and by reference made a part hereof. The motion carried four (4) to one (1) with Commissioner Barnes opposing.

**Proposed Text Amendments to the Watershed Protection Ordinance:** Consideration of a request to consider proposed text amendments to the Watershed Protection Ordinance to include the 10/70 provisions in the WS-IV Protected Area

Commissioner Emerson moved, seconded by Commissioner Outz, to table this issue until a later date. The motion carried five (5) to zero (0).

***Public Hearings:***

**Proposed Amendments to the Chatham County Subdivision Regulations:** Public hearing to receive public comments on proposed amendments to the Chatham County Subdivision Regulations, Section 6.5 A.2.a. and b. concerning recreation fees

**George Lucier**, 628 Redbud, Pittsboro, NC, stated that he recommends four recreation districts. He asked that the current proposed two districts be reconsidered.

The Chairman closed the public hearing.

**Proposed Amendments to the Chatham County Mobile Home Ordinance:** Public hearing to receive public comments on proposed amendments to the Chatham County Mobile Home Ordinance, Section 6.4 a. and b. concerning recreation fees

There was no one present who wished to make public comments.

**Revision to the Existing Conditional Use B-1 Business District with Conditional Use Permit for Mobile Home Sales and Service:** Public hearing to receive public comments on a request by George Farrell, Jr. on behalf of Kunal Enterprises, LLC for a revision to the existing Conditional Use B-1 Business District with Conditional Use Permit for various uses to add Mobile home sales and service specifically for *Modular home sales and display*, on 15 acres, located off US Highway #64 East and New Hope Township

The Chairman administered the oath to those in attendance who wished to make public comments.

George Farrell, Jr. stated that his request is for one modular home to be used as a sales center. He stated that the landscaping will look like a regular house on the property.

There was no citizen present who wished to make public comments.

The Chairman closed the public hearing.

**Conditional Use B-1 Business District with Conditional Use Permit for Self-Storage Facility:** Public hearing to receive public comments on a request by John W. Blair for a Conditional Use B-1 Business District with a Conditional Use Permit for - Self-storage facility/mini-warehouse storage facility with related retail and services (i.e. moving truck rental) and - Uses and structures customarily accessory to any permitted use - specifically for *boat, recreational vehicle and other self-storage and an associated residential use*, on 10.613 acres, located at the southeast intersection of SR #1700, Mt. Gilead Road and SR #1714, Hatley Road and New Hope Township

This item was tabled at the request of the applicant.

**Conditional Use B-1 Business District with Conditional Use Permit:** Public hearing to receive public comments on a request by William R. Copeland for a Conditional Use B-1 Business District with a Conditional Use Permit for *Restricted B-1 Business Uses* specifically all B-1 Business permitted uses except for the following: Amusement enterprises – Bus, passenger stations – Funeral homes, embalming, crematoria – Fur storage – Laundries or Laundromats and dry cleaning – Pawnshops – Radio and television stations and their towers – on 5.6 acres, located at the northwest quadrant of the intersection of US Highway #64 and Big Woods Road and New Hope Township

The Chairman administered the oath to those in attendance who wished to make public comments.

**Nick Robinson**, PO Box 607, Pittsboro, NC, stated that he was representing the development team; that this development fits the intent of the Land Use Plan; that the lots adjacent to this property already have over 1000 lots approved for development; that notification guidelines have been followed; that the owner of the property is a co-owner of Apex Nursery; that the landscaping will be above standard; that the County stands to gain commercial sales tax revenue; that if it is a restaurant there will be permanent waitstaff employed and a number of temporary people during construction; that it will not put

a great demand on County services; that the adjacent property is residential and heavily wooded and the land across Big Woods Road is owned by the Army Corps of Engineers; that it is outside the critical area of the Jordan Lake watershed; and that the site will have no significant impact on traffic numbers.

**Rynal Stephenson**, PO Box 607, Pittsboro, NC, stated that Ramey Kemp did the traffic analysis; that the intersection will operate at its normal level; and that the Department of Transportation has approved the driveway location.

**Carter Crawford**, PO Box 607, Pittsboro, NC, landscape architect, stated that he designed the site plan; that the parking lot is 6-8 feet lower from the property line; and that all the buffering and screening requirements have been met.

**Nick Robinson** stated that the site meets all the impervious surface requirements of this watershed classification; that it will hook onto County water; and that they feel this development meets the five required findings.

**Robert Eby**, 19 East Madison, Pittsboro, NC, stated that he represents Chatham Citizens for Effective Communities (CCEC); that he objects to the proposal because nothing is assured as to what eventually will be built on the site; that the application does exclude a few uses permitted in a B-1 Business District; that this would be the first commercial property developed at this location; that this should be questioned about whether this is rezoned or not; that this would be the first step as a commercial node along US Highway #64; that it is important to provide opportunity for careful, detailed public review of specific plans; that it is an environmentally sensitive location; that Chatham citizens should be granted the opportunity to give their sworn testimony as part of the approval process; that there is a big difference between the impact of a restaurant, a gas station or a retail store. He asked that the Board require the developer to present specific, finalized plans as a subsequent public hearing before granting him a Conditional Use Permit.

**Nick Robinson**, voiced objection, to Mr. Eby's comments stating that he thought that comments should be limited to adjoining land owners.

**Randy Voller**, Town of Pittsboro Mayor, stated that he was not speaking on behalf of the Board of the Town of Pittsboro. He stated that they think it is important that the corridor is evaluated so that all the needs of the citizens are met and that without a plan, the US #64 corridor will look like Capital Boulevard.

**Jonna Birtcher**, 8502 Six Forks Road, Raleigh, NC, developer representing Windfall Creek, stated that Mr. Copeland has been very proactive and good with his communication to the development corporation; and that they would like to see the number of choices narrowed.

**Doug Brown**, 1525 Hatley Road, Pittsboro, NC, stated that he is a ten-year resident of the area; that a restaurant seems like a good use; that there is an ad hoc approach to approve businesses to be placed in this area; and that he would like to see a coordinated effort.

**Robert Eby** stated that the BayCorp development came to public hearing as one thing, but it has been changed and will not come back for a public hearing; that approval of the Conditional Use Permit cuts out any input from the citizens in the future; and that if there is not another hearing, it makes a mockery of this hearing.

**Nick Robinson** stated that the signage plan was submitted with the plan; that there is a small sign on the site, and a sign on US Highway #64. He presented maps to the Clerk which are attached hereto and by reference made a part hereof.

A question and answer period ensued.

The Chairman closed the public hearing.

**BREAK**

The Chairman called for a ten-minute break.

**BOARD OF ELECTIONS**

**Purchase of New Voting Equipment:** Consideration of a request to approve the purchase of new ES&S iVotronic direct Record Voting system for Chatham County in the amount of \$307,539

Ernest Dark, read the resolution adopted by the Chatham County Board of Elections, attached hereto and by reference made a part hereof.

Dawn Stumpf, Director of Elections, stated that the State Board of Elections has decertified the County's current voting equipment due to the inability of the current equipment to comply with the requirements of the Help America Vote Act of 2002 and NC Senate Bill #223 adopted in August 2005. She stated that the County Board of Elections is faced with deciding on a new voting system to recommend for purchase to the Chatham County Commissioners; that on October 11, 2005, the State Board of Elections issued a Request for Proposal (RFP) for voting equipment in the State of North Carolina; that on December 1, 2005, the State Board of Elections recommended three vendors; that since that date, two vendors have dropped out, leaving them with one vendor approved and certified in North Carolina; that there are three types of voting equipment certified for use in North Carolina: Direct Record Electronic, Optical Scan; and paper ballots; that the approved vendor, Elections Systems and Software, has a certified DRE and a certified Optical Scan system available, as well as an approved ballot marking system for voters with disabilities; and that the Chatham County Board of Elections was mandated to view at least two voting systems that are certified in North Carolina.

Ms. Stumpf stated that the cost analysis of each system, as well as, an analysis of a combined system shows that the best long term value for Chatham County is the iVotronic Direct Record voting equipment; that a ten year cost analysis shows a savings of \$124,460; that while the initial start up costs of DRE are higher than the Optical Scan, the yearly continuing costs are significantly lower (approximately half) with the iVotronic DRE; that other advantages include the ability to comply with Senate Bill 223 in delivering absentee totals by precinct and the ability to eliminate overvotes, as well as, the HAVA mandated use for persons with disabilities; and that the Chatham County Board of Elections feels that this system, while a change from the past, provides a secure voting system that offers Chatham County voters confidence and integrity in the voting process as well as the best value for their tax dollars.

She stated that the initial costs for the complete iVotronic DRE system and software is \$622,021; that the County is eligible for a grant in the amount of \$314,482 from the HAVA Election Fund; that the cost to the County would be \$307,539; that there is currently \$420,375 in the Capital Outlay fund that has been approved for voting equipment; and that use of the grant with this purchase leaves \$112,836 in the Capital Outlay fund.

Craig Bray, stated that the State Board of Elections set the standards for the voting machines; that they also set the time frame; that they have tried to work as best they could with what they had; that this is not a new concept; that the State requires them to have the paper trail; that they know that they have to do voter education; that some elections have been very close; and that the machine which they chose will eliminate the guessing although it will be slow to start with.

Audrey Poe stated that without using the DRE, there would have to be paper ballots made for each precinct; that they have to be able to determine the precincts in which a voter votes; that the Direct Record will give the exact precinct; that there will be a lot of sites for voter education; that there will be a machine on which to practice; that the Optic Scan has improvements over the old equipment; and that everything has to be consistent across the County with the approval of the State.

After considerable discussion and reviewing costs, Commissioner Emerson moved, seconded by Commissioner Outz, to approve the purchase of ES&S iVotronic Direct Record Voting System at a cost to the County of \$307,539.00. The motion carried five (5) to zero (0). \*See amendment below approved at the March 20, 2006 Board of Commissioners' meeting.

\*The above motion is amended to read "Commissioner Emerson moved, seconded by Commissioner Outz, to approve the purchase of iVotronic for ADA compliance in each precinct and for Absentee One-Stop voting and M-100 Optical Scan for use in each precinct and for mail-in absentee, from Election Systems and Software at a cost to the County of \$132,965. The motion carried five (5) to zero (0)."

## BOARDS AND COMMITTEES

**Recreation Advisory Board:** Consideration of a request to appoint a member to the Recreation Advisory Board by Commissioner Barnes (1)

This item was deferred until a later date.

**Board of Equalization and Review:** Consideration of a request to appoint/reappoint a member to the Board of Equalization and Review by Commissioner Barnes

Commissioner Barnes moved, seconded by Commissioner Emerson to appoint Ralph Klevenow, 30071 Benbury, Chapel Hill, NC, to the Board of Equalization and Review. The motion carried five (5) to zero (0).

## COMMISSIONERS' REPORTS

### **Presentation on Bennett School District by Mr. Jerry Polston:**

**Jerry Polston**, stated that he was present to speak on Bennett's behalf. He stated that the proposed issue is that the Board of Education has proposed a tuition for Bennett residents that live in Randolph County but attend Bennett Elementary School; that the funding from the County is not on a per pupil basis; that the County would actually lose money because the funding from the State would be lost; that in the end, they are talking about only six students; that half of the Bennett business owners are from Randolph County; that history shows a precedent for this school and the arrangement with residents in Randolph County; that they have not had a clear answer from parties involved; that the students reside in the school district; that the Board of Education changed the wording so that it would reflect their desires; that the job of the Board of Education is to help fix problems, not throw stones; that the areas in the County cannot be treated the same; that if the children are forced out of their school, the County not only loses money, they will lose their community; that for 73 years, this area has existed; that the North Carolina Constitution, North Carolina General Assembly Statutes, Chatham County Transfer Policy, and the 1979 ruling all speak of the attendance area of the schools; that if that area is in fact part of the Bennett Attendance Zone, those children cannot be charged a fee; that no one will come forth and tell them anything; that the Board of Education and Dr. Ann Hart will only use taxpayers, a "North Chatham" group, and the Board of Education itself as a scapegoat; and that the Board of Education will not listen nor attempt to help.

Mr. Polston stated that Bennett Elementary School is one of the best schools in the entire State. He asked that they, and the Randolph County issue, be left alone. He stated that making those families pay \$2,500 is insane; and that trying to run off the children will ruin their local community as the parents will go where their children go; that business owners, coaches, shoppers in the community will also go elsewhere. He thanked the Board of Commissioners, the local media, and especially the community of Bennett for allowing him to come and represent the Bennett Community.

A copy of Mr. Polston's presentation is attached hereto and by reference made a part hereof.

**Norman Clark**, Vice Chairman of the Board of Education, stated that Bennett is one of the County's better schools; that the Board of Education needs to get a better handle on their transfer students; and that this decision was not to penalize anyone but to make it equitable for all students.

The Chairman explained that this was a Board of Education matter. He stated the Board would ask that the matter be addressed by the Board of Education but that the final decision is that of the Board of Education.

Mr. Polston, on behalf of Bennett, thanked the Board for their consideration and stated that they all appreciated the Board's support.

## **MANAGER' S REPORTS**

The County Manager reported on the following:

### **Ag Extension and Annual Report:**

The luncheon with the Ag Extension Service will be held on February 6 2006 at noon after the regularly scheduled Board of Commissioners' meeting.

### **Joint Meeting with the Central Carolina Community College Board of Trustees:**

There will be a joint meeting with the Central Carolina Community College (CCCC) Board of Trustees to be held on February 6, 2006, beginning at 2:30 PM, at the college.

### **Joint Meeting with the Siler City Town Board:**

There will be a joint meeting with the Siler City Town Board to be held on February 15, 2006, beginning at 12:30 PM, at Hayley Bales Restaurant.

### **Joint Meeting with the Town of Pittsboro:**

There will be a joint meeting with the Town of Pittsboro on February 22, 2006, 6:30 PM in the Central Carolina Community College (CCCC), Multipurpose Room.

### **Appearance Commission:**

Commissioner Cross stated that he was devising a list to improve the appearance of commercial nodes within the County to be forwarded for review to the Planning Board and then to the Appearance Commission.

## **ADJOURNMENT**

Commissioner Emerson moved, seconded by Commissioner Outz, to adjourn the regular meeting. The motion carried five (5) to zero (0), and the meeting was adjourned at 9:32 PM.

---

Bunkey Morgan, Chairman

ATTEST:

---

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