

**MINUTES  
CHATHAM COUNTY BOARD OF COMMISSIONERS  
REGULAR MEETING  
JUNE 19, 2006**

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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 June 19, 2006.

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

Absent: County Manager, Charlie Horne

**PLEDGE OF ALLEGIANCE AND INVOCATION**

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

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

**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 #32, Consideration of a request by John W. Blair for a Conditional Use B-1 Business District on 10.613 acres, located at the southeast intersection of SR #1700, Mt. Gilead Road and SR #1714, Hatley Road, New Hope Township and Item #33, Consideration of a request by John W. Blair for 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, New Hope Township be deferred until a later date.

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 for approval of Board Minutes for regular meeting held June 05, 2006, work session held June 05, 2006, and budget work session held May 16, 2006

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

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

- A. Lay N Low Way

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

3. **Fiscal Year 2005-2006 Budget Amendments:** Consideration of a request to approve Fiscal Year 2005-2006 budget amendments as proposed by staff, attached hereto and by reference made a part hereof.

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

4. **Judicial Facility Project Ordinance:** Consideration of a request to approve **Project Ordinance Concerning the Judicial Facility Construction** as proposed by staff, attached hereto and by reference made a part hereof.

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

5. **Refunds on Regular Tax Bills Paid in Error:** Consideration of a request for approval of refunds on regular tax bills paid in error, attached hereto and by reference made a part hereof.

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

6. **Family Planning Funds Acceptance:** Consideration of a request to accept Family Planning funds in the amount of \$16,800 awarded to the Health Department from the NC Division of Public Health

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

7. **Funds Acceptance for Diabetes Project:** Consideration of a request to accept funds in the amount of \$2,000 for Community Health and Promotion Advocacy, Diabetes Project in Chatham County

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

8. **Home and Community Care Block Grant Committee Budget:** Consideration of a request to approve the Home and Community Care Block Grant Committee recommended budget for 2006-2007. The budget is attached hereto and by reference made a part hereof.

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

9. **Revision to “The Hamptons” Subdivision Development Schedule:** Consideration of a request by Brad Hart, P. E., Withers & Ravenel, Inc. on behalf of Windjam 23, LLC, developers of “The Hamptons” Subdivision for a revision to the subdivision development schedule

- As per the Planning Department and Planning Board recommendation, the request to revise the development schedule was granted as submitted.

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

10. **Sketch Design Approval of “Cedar Grove Subdivision – Phase V”:** Consideration of a request by MAC Development, LLC for subdivision sketch design approval of “**Cedar Grove Subdivision – Phase V**”, (Lots 29 – 35), consisting of seven (7) lots on twenty-three (23) acres, located off SR #1540, Jones Ferry Road, Baldwin Township

- As per the Planning Department and Planning Board recommendation, sketch design

approval of “Cedar Grove, Phase V” with the following conditions:

1. The preliminary and final plats shall show a turnaround between Lots #31 and #32 on the west side of Meadow Branch
2. The preliminary and final plats shall display a Voluntary Agriculture District certificate.

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

11. **Sketch and Preliminary Design of “Cedar Grove Subdivision, Phase IV”:** Consideration of a request by MAC Development, LLC for subdivision sketch and preliminary design approval of “Cedar Grove Subdivision, Phase IV”, consisting of eleven (11) lots on forty-three (43) acres, located off SR #1540, Jones Ferry Road  
As per the Planning Department and Planning Board recommendation, sketch and preliminary approval of “Cedar Grove, Phase IV” was granted with the following conditions:

1. The final plat shall designate individual off-site septic areas for Lots #18, #19, #21, and #28.
2. The final plat shall display a Voluntary Agriculture District certificate.

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

12. **Sketch, Preliminary, and Final Approval of “Heater Utilities, Inc.”:** Consideration of a request by Jordan Lake Preserve Corporation for subdivision sketch, preliminary, and final approval of “Heater Utilities, Inc.”, consisting of four (4) non-residential subdivision lots on approximately twenty-two (22) acres, located off NC Highway #87 North and SR #1520, Old Graham Road, Hadley Township

As per the Planning Department and Planning Board recommendation, sketch, preliminary, and final plat approval of “Heater Utilities, Inc.” was granted as submitted.

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

13. **Final Plat Subdivision Approval of “Survey for Fearington, Millcroft Cluster Homes (Close #3 & #4)”:** Consideration of a request by Fitch Creations, Inc. for subdivision final plat approval of “Survey for Fearington, Millcroft Cluster Homes (Close #3 & #4)”, consisting of fourteen lots on approximately four (4) acres, located off SR #1817, Millcroft Road, Williams Township

As per the Planning Department and Planning Board recommendation, final plat approval of “Survey for Fearington, Millcroft Cluster Homes, (Close #3 and #4)” was granted as submitted with the following condition:

1. The plat not be recorded until staff has received documentation from Chatham County Public Works regarding water line testing and receipt of as-built water line plans.

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

14. **Final Plat Subdivision Approval of “Fern Creek Subdivision”:** Consideration of a request by David Johnson for subdivision final plat approval of “Fern Creek Subdivision”, consisting of four (4) lots on approximately twenty (20) acres, located off SR #1714, Sugar

As per the Planning Department and Planning Board recommendation, final plat approval of “Fern Creek” was granted with the following conditions:

1. If necessary, a financial guarantee, for seeding and mulching, shall be submitted to staff for review and approval by the County Attorney prior to final plat recordation
2. A road maintenance agreement meeting requirements of Section 6.2, D (2), of the Chatham County Subdivision Regulations, shall be submitted to staff for review and approval prior to final plat recordation.

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

15. **Agricultural Advisory Committee:** Consideration of a request to reappoint Mr. Phil Gowins, 6305 Silk Hope-Gum Springs Road, Siler City, NC, to the Agricultural Advisory Committee by Commissioner Cross

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

16. **Agricultural Advisory Committee:** Consideration of a request to reappoint Mr. Kent Dickens, 2501 Corinth Road, Moncure, NC, to the Agricultural Advisory Committee by Commissioner Outz

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

17. **Agricultural Advisory Committee:** Consideration of a request to reappoint Mr. Lin Andrew, 203 North Sixth Avenue, Siler City, NC, to the Agricultural Advisory Committee by Commissioner Emerson

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

18. **Recreation Advisory Board:** Consideration of a request to appoint Greg Solomon, 406 Buck Branch Road, Pittsboro, NC, to the Recreation Advisory Board by Commissioners Barnes

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

19. **Virginia Cross Elementary and Jordan Matthews Cafeteria Project Ordinances:** Consideration of a request to approve the **Project Ordinance Concerning the Virginia Cross Elementary School Construction** and the **Project Ordinance Concerning the Jordan Matthews High School Cafeteria Construction**

**Project Ordinance Concerning the Virginia Cross Elementary School Construction** was approved as submitted, attached hereto and by reference made a part hereof.

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

**Project Ordinance Concerning the Jordan Matthews High School Cafeteria Construction** was approved as submitted, attached hereto and by reference made a part hereof.

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

20. **Records Retention and Disposition Schedule for County Sheriff’s Offices:**

Consideration of a request to adopt the Records Retention and Disposition Schedule for County Sheriff's Offices, attached hereto and by reference made a part hereof.

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

21. **Proposed Proclamation to Recognize "Zoning Officials Week":** Consideration of a request to adopt proposed **Proclamation #2006-30 to Recognize the Week Beginning July 30<sup>th</sup> through August 5<sup>th</sup> of Each Year Beginning with 2006 as "Zoning Officials Week"** as determined by the North Carolina Association of Zoning Officials, attached hereto and by reference made a part hereof.

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

22. **Resolution Approving a Tax Exempt Loan to Goldston Volunteer Fire Department:** Consideration of a request to adopt **Resolution #2006-31 Approving a Tax Exempt Loan to Goldston Volunteer Fire Department, Inc.**, attached hereto and by reference made a part hereof.

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

#### CONSENT AGENDA

#### PUBLIC INPUT SESSION

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

#### BOARD OF COMMISSIONERS MATTERS

**Adoption of Budget Ordinance:** Consideration of a request to adopt the Fiscal Year 2006-2007 Budget Ordinance

The Assistant County Manager reviewed the Fiscal Year 2006-2007 Budget Ordinance and answered questions on same.

Commissioner Cross moved, seconded by Commissioner Barnes, to hold the \$1,090,000 in escrow until the joint meeting is held with the Board of Education to receive clarification of the program and to determine where it is going. The motion carried five (5) to zero (0).

Commissioner Emerson moved, seconded by Commissioner Cross, to adopt the Fiscal Year 2006-2007 Budget Ordinance to include the condition that \$1,090,000 of the schools' capital outlay allocation be held until authorized by the Board of Commissioners, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

**Resolution Honoring the Service of Allen Baddour:** Consideration of a request to adopt a **Resolution of Appreciation for Allen Baddour for His Service to Chatham County**

The Chairman read the Resolution Honoring the Service of Allen Baddour in its entirety.

Commissioner Emerson moved, seconded by Commissioner Cross, to adopt **Resolution #2006-32 of Appreciation for Allen Baddour for His Service to Chatham County**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

**Non-Profit Contracts:** Consideration of a request to approve the following non-profit contracts: Chatham Trades, Family Violence & Rape Crisis, Habitat for Humanity, Chapel Hill Training and

## Outreach Project

Commissioner Barnes moved, seconded by Commissioner Outz, to approve the following non-profit contracts:

Chatham Trades  
Family Violence & Rape Crisis  
Habitat for Humanity  
Chapel Hill Training and Outreach Project

The contracts are attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

### **Resolution Honoring Marilyn F. Collins for Her Certified Municipal Clerk Designation**

Commissioner Emerson read a Resolution Honoring Marilyn F. Collins for her Certified Municipal Clerk Designation.

Commissioner Emerson moved, seconded by Chairman Morgan, to adopt **Resolution #2006-33 Honoring Marilyn F. Collins for Her Certified Municipal Clerk Designation**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

### **Shakori Hills Discussion:** Discussion of Shakori Hills

The Chairman stated that Capt. Allen with the Chatham County Sheriff's Office had come to speak with the Board at the Board's work session regarding noise and how to improve the Noise Ordinance. He invited those in attendance who wished to speak to do so.

Capt. Roy Allen, reviewed the Chatham County noise ordinance. He discussed noise levels with regard to time of day, continuous noise, nuisance noise, indoor/outdoor noise, time-level caps, and alternate avenues of enforcement other than the noise meter. He stated that he would meet with the Sheriff to work with him on putting together a document to present to the Board of Commissioners at their Board meeting on July 17, 2006.

**Andy Parsons**, Vice President of Board of Shakori Hills, Inc., Bynum, NC, stated that Shakori Hills is a place and grassroots is a festival. He answered questions from the Board.

Commissioner Barnes asked for a brief synopsis of the plan.

Mr. Parsons stated that currently, the Friday night series noise does not register at the property line; that they have their own meter and constantly monitor the noise level; that in terms of how to control sound, they have actually found material, signed-off on by the fire marshal, which knocks down the sound before it leaves the buildings/tents/property; that they are creating a sound cancellation system to cancel the low frequency which carries a great distance; that due to the topography of the land, one gully feeds directly into a citizens kitchen; that they are trying to figure out where to place a hay-bale wall in which to trap the sound; and that they feel with these measures that they will be in compliance at their property line.

Commissioner Barnes expressed concern with regard to the mud on the roads after a concert and the amount of litter strewn over the property and roadside. He stated that both of those issues can easily be solved with preparation.

Mr. Parsons addressed the mud issue stating that they were planning to gravel the parking lot to the entrance and that dumpsters for trash would be placed along the route.

**David Cunningham**, 477 Arrowhead Loop, Bobcat Point, Pittsboro, NC, stated for the last three years he has lived approximately two miles from Shakori Hills; that the music playing has continued all through the night; that he can't imagine what it would be like for nearby neighbors; that they need to lessen the sound limits and address the bass issues; and that the Friday night events are not as intrusive as they stop at a reasonable hour instead of continuing all night long.

**Lisa Jenson**, Bobcat Point, stated that one thing she wanted considered when revising the Noise Ordinance is the definition of "art"; that she is concerned with a comment that was made that, "They would allow alcohol on the grounds until something stupid happened."; and that she asked that, similar to Regency Park, there be a controlled area where they look into coolers and other bags.

**Gary Phillips** stated that he lives within a five-minute walking distance of Shakori Hills main stage which faces his house; that there is one small piece of property between his property and Shakori Hills; that he likes what Shakori Hills does; that he likes the music; that when he goes home on Friday nights, he lifts his bedroom window so that he continues to hear the music; that he considers them an extraordinary asset to the community; that he thinks that they want to work with the community to help it continue; that they bring economic development into the County in a very positive way; that each year they have a better crowd and more stable environment; that it is a new business but is being made a good business; that he doesn't want to see Silk Hope zoned and that he would like to see people do what they would like to do to the extent of their property what they can do to make a living; that some of the folks complaining about the noise are the same folks who complain about the smell of chicken manure in Silk Hope several weeks per year; that to him, it is a great smell because it means that his neighbor is making a living without leaving the County to do it; and that these are good responsible folks and have been great neighbors to him.

**Linda Douglas**, stated that she was speaking on behalf of the two hundred property owners and tax payers who are uniting by petition to preserve their vested rights to a peaceful and properly protected place to live in Chatham County. She stated that for many of Chatham's communities have experience problems with noise that continues to be disruptive, despite their complaints; that County law enforcement can only conclude that they cannot render relief to the noise issue or its nuisances of pitting neighbor against neighbor; that they have gathered tonight to request help from the Board of Commissioners and County law enforcement to review and revise the Chatham County Noise Ordinance; that its time to protect the peace in Chatham and its country quiet that its residents considered when they chose to invest in their homes and their hearts; that it is paramount to preserve their property values that will be effected if the County cannot effectively control excessive noise or enforce compliance; that Chatham is presently passively allowing events to bypass its laws and limitations outlined in its permits and create a lot of loop holes; that it is common sense the NC General Statutes are set only as a guideline and not to be construed to exempt anyone from the local laws of counties and cities; that these laws are applied to anything that impacts these municipalities and must be considered and complied with; that the laws vary drastically and are designed to protect individual needs of the towns so that what are acceptable rules for big cities are excessive by rural rules.

She stated that the worst problems are within the counties ordinance in their current capacities that have proven to be ineffective for controlling offensive volumes including vibrations and excessive time limitations that are allowable with the present structure; that the County ordinances are not compatible to a peaceful existence with their communities and are not considerate of the working people who have jobs on weekends or who need their rest from a hard week's work; that they do not want to come home to the ordeal of dealing with deafening music nor do they want to be forced to sell their homes as a solution; that to add insult to injury, their tax dollars are being wasted while law enforcement exhaust their manpower to measure meter readings and keep the peace; that they have been awakened in the early morning hours by intruders under the influence of drugs, paid for replacement vehicle tires from broken bottles thrown in their driveways, and collected trash after events; that their patience has been pushed to the limit by lack of consideration of those who have persisted to pound their community year-after-year during the non-stop music marathons; that at first their community tolerated it twice a year but that has evolved into every Friday and now their Saturdays and Sundays are being snatched from them; and that that is enough to

drive a sane person from the community no matter how worthy the cause. She strongly suggested that the present measurements be lowered by half, that the time frames for weekdays not exceed 9:00 PM on weekdays (including Fridays); and that hopefully they can work together to make these events compatible within their communities to make this a pleasant experience for all.

The Chairman explained that Capt. Allen would return to the Board with recommendations at the July 17, 2006 Board of Commissioners' meeting.

## **PLANNING AND ZONING**

### ***Public Hearing:***

**Public Hearing on Ordinance Setting Forth Rules and Procedures for Establishing a Moratorium:** Public hearing to receive public comments on an ordinance setting forth the rules and procedures for establishing a moratorium according to state enabling legislation adopted in 2005

**Patrick Bradshaw**, PO Box 607, Pittsboro, NC stated that Section 7 of the proposed moratorium ordinance exempts preliminary and final subdivision plats that have been accepted for review prior to the call for a public hearing on the moratorium. He suggested that sketch plats that have been accepted for review prior to the call for a public hearing on a moratorium also be exempt from the moratorium for the following reasons:

1. The language in the proposal is taken directly from the State statute upon which the proposal is based. The State statutes concerning subdivision do not include sketch plats, and he thinks that is the only reason sketch plats were not included in the exemptions in the moratorium statute.
2. Sketch is an additional procedure imposed by Chatham County. Under Chatham County's subdivision regulations, a sketch design approval is required for any subdivision that includes a new road. The sketch design application is subjected to the same process as preliminary and final subdivision plats.
3. The Subdivision Regulations say, "Approval of the sketch design by the Board of County Commissioners serves as permission to prepare other required plans for preliminary review."
4. Between sketch and preliminary subdivision approvals, a Chatham County landowner incurs significant expense in reliance on the sketch design, including site analysis, engineering and County and State approvals for utility systems, road plans and driveway connections, erosion control plans, and other matters such as wetlands permits.

For these reasons, he respectfully suggested that the Board add sketch plats to the exemption for preliminary and final plats. He also suggested that the timing provision on exemption be clarified to include plats submitted before imposition of a moratorium without a public hearing; that the proposed ordinance allows imposition of a moratorium in some limited circumstances without a public hearing, but Section 7 only exempts plats submitted before the call for a public hearing; that in two places in Section 7, the proposed ordinance addresses plats "accepted for review by the County"; that as far as he knows, the County does not have a formal process for "accepting" plats for review, so he suggests changing that language to plats "submitted for review by the County"; that the proposed ordinance refers in several places to the "call for public hearing to adopt the moratorium"; that to clarify what that means, he suggests revising that language to say "scheduling of a public hearing by the Board of Commissioners to consider adoption of the moratorium"; that he has an edited version of the ordinance that incorporates these comments and some other more minor suggestions that he will send to the Planning Director if he thinks it would be helpful. He thanked the Board for hearing his comments.



The Chairman closed the public hearing.

***Sketch Design Approval:***

**Sketch Design Subdivision Approval of “Burnette Mountain Estates, LLC”:** Consideration of a request by Phreddie D. Popp for subdivision sketch design approval of “Burnette Mountain Estates, LLC”, consisting of one (1) lot on 1.5 acres, located off SR #1700, Mt. Gilead Church Road, Baldwin Township

As per the Planning Department and Planning Board recommendation, Commissioner Outz moved, seconded by Commissioner Cross, to grant approval of “Burnette Mountain Estates, LLC” consisting of one (1) lot to be considered the 4<sup>th</sup> lot on a portion of the common easement with the following conditions:

1. The completion of the subdivision may be approved by staff as a minor subdivision of land.
2. The entire length of the easement serving the newly created 4<sup>th</sup> lot, shall be upgraded to a 16 foot wide travelway with 4 inches of crush and run stone. Said upgrade shall be verified by a licensed road builder, surveyor, engineer, etc. prior to plat being recorded.
3. A commercial driveway permit shall be obtained from the North Carolina Department of Transportation for the easement/driveway entrance unless NCDOT determines that no permit is required.

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

**Sketch Design Approval of “Arcadia”:** Consideration of a request by ENT Land Surveys, Inc. on behalf of Bruce Curtis for subdivision sketch design approval of “Arcadia”, consisting of ten (10) lots on approximately fifty-seven (57) acres, located off SR #1536, Lamont Norwood Road, Baldwin Township

As per the Planning Department and Planning Board recommendation, Commissioner Emerson moved, seconded by Commissioner Outz, to grant sketch design approval of “Arcadia” with the following conditions:

1. The preliminary and final plats shall show a 50 foot wide water hazard buffer along the perennial stream with a note stating that no structures, septic system, repair area or wells are allowed to be located within the buffer.
2. A Voluntary Agriculture District certificate shall be placed on the preliminary and final plats.
3. The developer shall provide a wetland impact study prior to preliminary review.
4. The driveway crossing of the creek shall be constructed to accommodate emergency vehicle access, i.e. weight and width of vehicles.

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

**Sketch Design Approval of “Harrison Pond”:** Consideration of a request by Harrison Pond, LLC on behalf of Harbison Family Trust for subdivision sketch design approval of “Harrison Pond”, consisting of forty-two (42) lots on approximately seventy-four (74) acres, located off SR #1532, River Forest Road

As per the Planning Department and Planning Board recommendation, Commissioner Emerson moved, seconded by Commissioner Outz, to grant sketch design approval of “Harrison Pond” with the following conditions:

1. The area marked “Open Space/Permanent Access Easement” at the end of the cul-de-sac between Lots #14 and #15 shall be labeled as “public right-of-way dedication for possible future connection” on the preliminary and final plats.
2. A utility easement shall be provided to the H. H. Mann property and other adjacent properties as recommended by Chatham County Public Works for possible future extension of water lines and shown on the preliminary and final plats.
3. All lots fronting on SR #1532, River Forest Road, shall be accessed from the interior roadway and shall not have driveway access onto SR #1532.
4. The existing drainage ditch running along the north eastern boundary of proposed Lots #7 and #8 (common line with properties owned by Quimby/Trott and Lane/Ball in Hamlet Grove Subdivision) shall not become obstructed with construction debris possibly creating runoff problems.

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

**Sketch Design Approval of “Chatham Land and Timber Property”:** Consideration of a request by Jim Anderson, Crosland, for subdivision sketch design approval of “Chatham Land and Timber Property”, consisting of 169 lots on approximately 302 acres, located off SR #1711, Bynum Ridge Road, Baldwin Township

Commissioner Cross stated that he would like to see an environmental study done on this property.

Patrick Barnes stated that this was a sketch design request based on preliminary soils analysis; that before the applicant can return to apply for preliminary, they will have to perform detailed soils analysis and obtain permits for their waste disposal systems; that the concerns he has heard all seem to be related to wastewater and what is going to happen with the septic systems; that he believes all of this can be addressed through soils analysis instead of an environmental study.

Mr. Anderson stated that he would be glad to answer any questions from the Board. He stated that they have considered an environmental study, but that they are below any kind of permitable standards required by the Army Corps of Engineers.

Commissioner Barnes stated that he disagreed; that common sense would dictate that this is not the proper place to put the development; that it is going to drain downhill; that there would be 169 houses on that many septic tanks on 300 acres; and that this is unacceptable as it is not necessary nor beneficial to Chatham County.

Commissioner Emerson stated that he believes in private enterprise; that there are clay soils; that those soils will normally perk; that the key to it is environmental controls are followed; that there are probably more complaints received as to the strictness on septic system controls than any other; that he thinks that this shows that they are doing a commendable job making certain that the septic systems meet the standards; that it would suit him well if all of the growth would slow down, but that he is not ready to trample on people’s private property rights in order to accomplish that; that people need houses to live in; that the houses that are being built in the County, in his opinion, are quality homes; that they are attracting quality, successful, educated, productive people that are adding to the County’s economy, volunteerism, and participation in government; that if he thought these people were designing slums and building undesirable houses, he would be hollering as loud as anyone; that it meets the zoning requirements; that it is going to have to meet the Health Department requirements before one house is built; that he doesn’t pretend to be an expert on septic systems, but he does know that the soils will be the key to it; that they are calling that shot right when they say that if the concern is sewage, between the time the sketch design and it returns to the Board, the soil questions will be addressed; and that it will be known how much water will perk, where it will perk, and how many lots there will be.

As per the Planning Department and Planning Board recommendation, Commissioner Emerson moved, seconded by Commissioner Outz, to grant sketch design approval of “The Chatham Land and Timber Property” with the following conditions:

1. Prior to preliminary submittal, the three dedications of public right-of-way to adjacent properties shown of the plat shall be evaluated for the best possible location for connectivity due to steepness of slopes, stream crossings, and adjacent land configuration.
2. The preliminary and final plats shall provide utility easements to the adjoining properties of “The Hamptons” to the east and Pace to the west.
3. All lighting within the development shall conform to the Draft Chatham County Lighting Ordinance.
4. If any additional right-of-way is necessary for potential turn lanes/roadway construction as determined by NCDOT, the developer shall make every effort to locate said right-of-way on the subject property.
5. The development schedule submitted by the developer shall be extended by six (6) months for each stage of the development.

The motion carried three (3) to two (2) with Commissioners Barnes and Cross opposing.

#### **ZONING AND ORDINANCE AMENDMENTS:**

##### ***Items from March 20, 2006 Public Hearing:***

**Conditional Use B-1 Business District:** Consideration of a request by John W. Blair for a Conditional Use B-1 Business District on 10.613 acres, located at the southeast intersection of SR #1700, Mt. Gilead Road and SR #1714, Hatley Road, New Hope Township

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This item was removed from the Agenda and deferred until a later date.

**Conditional Use Permit for Self-Storage Facility:** Consideration of a request by John W. Blair for 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, New Hope Township

This item was removed from the Agenda and deferred until a later date.

##### ***Items from May 15, 2006 Public Hearing:***

**Revision to Existing Compact Community – Conditional Use Permit:** Consideration of a request by Mitch Barron, Newland Communities, on behalf of NNP – Briar Chapel LLC, for a revision to the existing Compact Community – Conditional Use Permit (CC-CUP) at the intersection of Andrews Store Road and Parker Herndon Road

As per the Planning Department and Planning Board recommendation, Commissioner Emerson moved, seconded by Commissioner Cross, to adopt **Resolution #2006-34 Approving an Application for an Amendment to a Conditional Use Permit Requested by NNP – Briar Chapel LLC**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

**Text Amendments to the Chatham County Zoning Ordinance:** Consideration of a request to consider proposed text amendments to the Chatham County Zoning Ordinance to comply with 2005 NC General Statute updates

As per the Planning Department and Planning Board recommendation, Commissioner Cross moved, seconded by Commissioner Outz, to approve the proposed amendments to the Zoning Ordinance. The motion carried five (5) to zero (0).

**Text Amendment to the Chatham County Subdivision Regulations:** Consideration of a request to consider proposed text amendments to the Chatham County Subdivision Regulations to comply with 2005 NC General Statute updates, make technical corrections, and extend sketch design approval from six (6) to twelve (12) months

As per the Planning Department and Planning Board recommendation, Commissioner Emerson moved, seconded by Commissioner Outz, to grant approval of the proposed amendments to the Subdivision Regulations with the additional changes to the definition for Flood Hazard Area. The motion carried five (5) to zero (0).

### **BOARD OF COMMISSIONERS MATTERS**

**Update of Chatham County Ten-Year Solid Waste Management Plan:** Consideration of a request to adopt **Resolution Accepting and Endorsing the Solid Waste Management Plan of 2006 for Chatham County**

Commissioner Barnes moved, seconded by Commissioner Cross, to adopt **Resolution #2006-35 Accepting and Endorsing the Solid Waste Management Plan of 2006 for Chatham County**, to add Cary as part of the County's municipalities. The motion carried five (5) to zero (0). The resolution is attached hereto and by reference made a part hereof.

### **BOARDS AND COMMITTEES**

**Board of Health Appointments:** Consideration of a request to appoint four members (Linda Brewer Ellington, nurse seat; Van Romine, optometrist seat; Timothy Sheetz, dentist seat; James Kurz or Robert Simon, physician seat) and reappoint one member (Jane Miller, pharmacist), effective July 01, 2006 to the Chatham County Board of Health

Commissioner Barnes moved, seconded by Commissioner Cross, to appoint and reappoint the following to the Chatham County Board of Health as follows:

Dr. Van Romine, 201 Romine Pike Road, Siler City, NC, optometrist seat  
Dr. Timothy Sheetz, 710 W. Fourth Street, Siler City, NC, dentist seat  
Dr. James Kurz, 270 Jamestown Road, Pittsboro, NC, physician seat  
Jane Miller, 488 Olde Oaks Lane, Pittsboro, NC, pharmacist seat (reappointment)

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

**Agricultural Advisory Committee Appointment:** Consideration of a request to appoint a member to the Agricultural Advisory Committee by Commissioner Barnes

Commissioner Barnes moved, seconded by Commissioner Emerson, to reappoint Hilda Glosson, 738 Mt. Olive Church Road, Pittsboro, NC, to the Agricultural Advisory Committee. The motion carried five (5) to zero (0).

**Orange-Person-Chatham Mental Health Board Appointment:**

Commissioner Emerson moved, seconded by Commissioner Cross, to reappoint Sue Schwartz, 312 Shady Gove Road, Pittsboro, NC, to the Orange-Person-Chatham (OPC) Mental Health Board. The motion carried five (5) to zero (0).

**MANAGER' S REPORTS**

There were no County Manager reports.

**COMMISSIONERS' REPORTS**

There were no Commissioner reports.

**ADJOURNMENT**

Commissioner Emerson moved, seconded by Commissioner Barnes, to adjourn the regular meeting. The motion carried five (5) to zero (0), and the meeting was adjourned at 8:14 PM.

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Bunkey Morgan, Chairman

ATTEST:

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