

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
NOVEMBER 20, 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 November 20, 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 Paschal; Finance Officer, Vicki McConnell; and Clerk to the Board, Sandra B. Sublett

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.

The meeting was called to order by the Chairman at 6:10 PM.

AGENDA AND CONSENT AGENDA

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

Chairman Morgan explained that there had been requests as follows:

- Item #12, Consideration of a request by MacGregor Development Company on behalf of Over Jordan, LLC for subdivision preliminary design approval of “**Westfall, Phase 1A, 1B, and 1C**” (formally Booth Mountain), consisting of 94 lots on 160 acres, located off SR #1721, Lystra Road and SR #1717, Jack Bennett Road, Williams Township, be removed from the Consent Agenda and placed on the Regular Agenda for discussion
- Item #16, Consideration of a request by The Legacy at Jordan Lake, LLC for subdivision preliminary and final plat approval of “**The Legacy at Jordan Lake, Phases 2 & 3**”, consisting of 114 lots, on 166 acres, located off Big Woods Road, SR #1714, Williams and New Hope Townships, be removed from the Consent Agenda and placed on the Regular Agenda for discussion
- Item #33, Consideration of a request by **Jeff Goodwin** by Attorney Cindy Perry to rezone 4.03 acres of property located on Martha’s Chapel Road (SR #1752) to Conditional Use District B-1 Business for a boat, camper, and RV storage facility was withdrawn by the applicant
- Item #34, Consideration of a request by **Jeff Goodwin** by Attorney Cindy Perry to rezone 4.03 acres of property located on Martha’s Chapel Road (SR #1752) for a Conditional Use District Permit for a boat, camper, and RV storage facility was withdrawn by the applicant

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

1. **Minutes:** Consideration of a request for approval of Board Minutes for regular meeting held November 06, 2006

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

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

A. Fisher Lane

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

3. **Request to Surplus Group of Old Telephones:** Consideration of a request to surplus a group of old Nortel Meridian telephone and arrange for private negotiated sale of said phones for allowance on new telephones and adopt **Resolution #2006-65 Declaring Surplus and Authorizing a Private Sale of Said Equipment**, attached hereto and by reference made a part hereof.

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

4. **Harnett County Interconnect Project Ordinance:** Consideration of a request to adopt Harnett County Interconnect Project Ordinance, attached hereto and by reference made a part hereof.

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

5. **Resolution in Support of Local Fees for Food and Lodging:** Consideration of a request to support the Health Department's adoption of a Resolution in Support of Local Fees for Food and Lodging, attached hereto and by reference made a part hereof.

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

6. **Debt Write-Off for the Health Department:** Consideration of a request to approve the debt write-off for the Health Department in the amount of \$32,708.55 for the period July 1, 2004 through June 30, 2005

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

7. **Changes in Pneumonia Vaccination Fees:** Consideration of a request to notify the Board of Commissioners of changes in pneumonia vaccination fees due to an increase in Medicare rates, attached hereto and by reference made a part hereof.

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

8. **Funds Acceptance for the Health Department:** Consideration of a request to accept funds in the amount of \$5,848.00 awarded to the Health Department for Family Planning

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

9. **Funds Acceptance for the Health Department:** Consideration of a request to accept funds in the amount of \$5,400.00 from Smart Start

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

10. **Subdivision Preliminary Design Approval for "The Bluffs, Phase I":** Consideration of a request by Roanoke Investments, LLC on behalf of Chatham Partners, LLC and Polk-Sullivan, LLC for subdivision preliminary design approval of **"The Bluffs, Phase 1"**, consisting of 36 lots on 180 acres, located off SR #1520, Old Graham Road, Hadley Township

As per the Planning Department and Planning Board recommendation, the road names *Ridgebrook Drive*, *Bluffside Court*, *Hamilton Cove*, *Blufftonwood Drive*, the modification to the development schedule, and "The Bluffs, Phase I" were approved as submitted.

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

11. **Subdivision Preliminary Design Approval of “Knoll Ridge Estates”:** Consideration of a request by Wrenn Brothers, Inc. for subdivision preliminary design approval of **“Knoll Ridge Estates”**, consisting of 15 lots on 77.5 acres, located off SR #1130, Oakley Church Road, Matthews Township

As per the Planning Department and Planning Board recommendation, preliminary plat approval was granted as submitted.

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

- ~~12. **Subdivision Preliminary Design Approval of “Westfall, Phase 1A, 1B, and 1C”:** Consideration of a request by MacGregor Development Company on behalf of Over Jordan, LLC for subdivision preliminary design approval of **“Westfall, Phase 1A, 1B, and 1C”** (formally Booth Mountain), consisting of 94 lots on 160 acres, located off SR #1721, Lystra Road and SR #1717, Jack Bennett Road, Williams Township~~

This item was removed from the Consent Agenda and placed on the Regular Agenda for discussion.

13. **Subdivision Preliminary Design Approval of “Creekside”:** Consideration of a request by Community Properties on behalf of Chatham Partners, LLC and Roanoke Investments, LLC for subdivision preliminary design approval of **“Creekside”**, consisting of 30 lots on 162 acres, located off SR #1520, Old Graham Road, Hadley Township

As per the Planning Department and Planning Board recommendation, preliminary plat approval of “Creekside” was approved with the following two (2) conditions:

1. The subdivision name “Creekside” shall be changed to a name which does not duplicate an existing subdivision/road, etc. name on the final plat.
2. The pump station lot shall be numbered and labeled as to its intended use on the final plat.

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

14. **Subdivision Preliminary Design Approval of “The Hamptons, Phases 1, 2, & 3”:** Consideration of a request by Windjam 23, LLC for subdivision preliminary design approval of **“The Hamptons, Phases 1, 2, & 3”**, consisting of 89 lots on 183 acres, located off SR #1700, Mt. Gilead Church Road, Baldwin Township

As per the Planning Department and Planning Board recommendation, preliminary design approval was granted with the following condition:

1. Signage be placed at the location of the dedication of rights-of-way stating that it is the location of a possible future roadway.

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

15. **Subdivision Preliminary and Final Approval of “The Parks at Meadowview, Phase 1B”:** Consideration of a request by The Parks at Meadowview, LLC for subdivision preliminary and final design approval of **“The Parks at Meadowview, Phase 1B”**, consisting of 72 lots on 110 acres, located off SR #1520, Old Graham Road, Center Township

As per the Planning Department and Planning Board recommendation, the road names *The Parks Drive, Sunny Vista Court, Cloudview Court, Parkway Drive, and Drifting Leaf Lane*, and preliminary and final approval of “The

Parks at Meadowview, Phase One 'B'" were approved with the following condition:

1. The plat not be recorded until the County Attorney has approve the financial guarantee.

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

- ~~16. **Subdivision Preliminary and Final Approval of "The Legacy at Jordan Lake, Phases 2 & 3"**: Consideration of a request by The Legacy at Jordan Lake, LLC for subdivision preliminary and final plat approval of "The Legacy at Jordan Lake, Phases 2 & 3", consisting of 114 lots, on 166 acres, located off Big Woods Road, SR #1714, Williams and New Hope Townships~~

This item was removed from the Consent Agenda and placed on the Regular Agenda for discussion.

17. **Subdivision Final Plat Approval of "Windham, Phase II"**: Consideration of a request by L. E. D., LLC for subdivision final plat approval of "Windham, Phase II", consisting of 23 lots on 124 acres, located off SR #1700, North Pea Ridge Road, New Hope Township

As per the Planning Department and Planning Board recommendation, approval of the financial guarantee and approval of the final plat, "Windham, Phase II" were approved as submitted.

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

18. **Subdivision Sketch Design Approval of "Bingham Ridge, Phase II"**: Consideration of a request by J & B Partners, LLC for subdivision sketch design approval of "Bingham Ridge, Phase II", consisting of 15 lots on 26 acres, located off SR #1536, Lamont Norwood Road, Baldwin Township

As per the Planning Department and Planning Board recommendation, sketch design approval of "Bingham Ridge, Phase II" was approved with the following condition:

1. The preliminary and final plats shall show lots numbered consecutive with Phase 1.

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

19. **Subdivision Sketch Design Approval of "Shively, #2"**: Consideration of a request by Community Properties, Inc. for subdivision sketch design approval of "Shively, # 2", consisting of four (4) lots, on 22 acres, located off SR #1520, Old Graham Road, Hadley Township and a revision to "Shively, # 1"

As per the Planning Department and Planning Board recommendation, sketch design approval of "Shively #2" and a "revision to Shively #1" were approved with the following condition:

1. The water hazard buffer along the stream shall be shown as a 100 foot wide buffer along both sides of the stream on the preliminary and final plats with useable area of Lot #13 shown correctly.

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

20. **Subdivision Sketch Design Approval of "Banner Tract, (Shively Phase 3)"**: Consideration of a request by Polk Sullivan, LLC on behalf of Worth Durham Banner for subdivision sketch design approval of "Banner Tract, (Shively Phase 3)", consisting of 40 lots on 234 acres, located off SR #1520, Old Graham Road, Hadley Township

As per the Planning Department and Planning Board recommendation, sketch design approval of "The Banner Tract" was approved with the following condition:

1. It is the staff recommendation that field surveys be conducted for the following plants and animals during the times when they are most likely to be identified and if found the applicant is to consider modification of the preliminary plans to minimize adverse impacts to the population: Harperella, buttercup Phacelia, Carolina Ladle Crayfish, Four-toed Salamander, and Sweet Pinesap. During preliminary review, the applicant is to report the findings of the surveys and what plan revisions were considered or implemented, if any.

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

21. **Mid-Carolina Workforce Development Board:** Consideration of a request to reappoint Lenore Guidoni, 548 Smith Level Road, Carrboro, NC, to the Mid-Carolina Workforce Development Board by the full Board

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

22. **Pittsboro-Siler City CVB Advisory Committee:** Consideration of one appointment and two reappointments to the Pittsboro-Siler City CVB Advisory Committee as follows:

Bob Crowley to replace Leon Tongret (Art)
(East Carolina Chapter, NRHS, North Carolina Railroad
Museum, PO Box 40, New Hill, NC)

Tracy Burnett (Recreation) – Reappointment
(PO Box 1783, Pittsboro, NC)

Michael Rogers (Festivals) – Reappointment
(Jordan Matthews High School, 910 East Cardinal Street, Siler
City, NC)

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

23. **Distribution of Lottery Proceeds Applications Approval:** Consideration of a request to approve applications for the distribution of lottery proceeds, copies attached hereto and by reference made a part hereof.

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

24. **Work First Demonstration Grant:** Consideration of a request to accept the Work First Demonstration grant in the amount of \$29,316.00

The Grant Award Notice is attached hereto and by reference made a part hereof.

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

END OF CONSENT AGENDA

PLANNING AND ZONING

Subdivision Preliminary Design Approval of "Westfall, Phase 1A, 1B, and 1C": Consideration of a request by MacGregor Development Company on behalf of Over Jordan, LLC for subdivision preliminary design approval of "Westfall, Phase 1A, 1B, and 1C" (formally Booth Mountain), consisting of 94 lots on 160 acres, located off SR #1721, Lystra Road and SR #1717, Jack Bennett Road, Williams Township

Allison Weakley, 311 Boothe Hill Road, Chapel Hill, NC, stated that she previously submitted comments to the Planning Board on November 6, 2006 regarding Westfall Subdivision which is adjacent to the subdivision where she lives; that she addressed a number of concerns that she did not feel were adequately discussed; that she was hoping that the Board would be interested in some of those comments; that Condition #7 of their Conditional Use Permit was being violated by allowing land clearing before spring survey; that spring is about the only time one will find this plant; and that suitable habitat does exist within this spray field area.

Nick Robinson, attorney representing MacGregor Development Company, stated that in June, 2006 their biologist went to the property and submitted a report to the Planning Department in advance of any land clearing that occurred; that all land clearing has stopped as a result of this dispute; that they have reengaged S&EC to return in February to resurvey the site for suitable habitat; and that if they find habitat that is potentially suitable for it, they will not clear in that area until they get to the fruiting period which he understands to be in February.

Ms. Weakley stated that she was happy with Condition #2 and that she would ask that S&EC be aware that suitable habitat for the species is all over the site and that along the streams is about the only place that it would not be found. She stated that she would like to see trails included from the school site to the surrounding neighborhoods further upslope so that they could also connect to the school site; that she wanted to make sure the 150' buffer would not be disturbed in order to get to the site to build the wells; and that she also would like to see overhead lighting limited so as not to impact natural heritage areas.

After considerable discussion and as per the Planning Department and Planning Board (by a vote of eight in favor and one abstention) recommendation, Commissioner Emerson moved, seconded by Commissioner Outz, to approve the road names *Herndon Creek Way, Timber Creek Path, Millers Gap Court, Wood Laurel Lane, Farnleigh Drive, Westfall Way, Beech Slope Court, Herndon Ridge Court, Raven Ridge Court, Eagles Watch Lane, Leatherwood Lane, and Lystra Ridge Road* and the request to change the road status in Westfall Crossing, Phase 1B and Westfall Village, Phase 1C from public, state-maintained roads to un-gated, paved, private roads built to NCDOT standards for Local Residential Subdivision Roads, and preliminary approval of "Westfall, Phase 1A, 1B, and 1C" with the following two conditions:

1. Staff recommends the following be added or changed on the final plat:
 - ◆ Road name "Beach Slope Court" be changed to "Beech Slope Court"
 - ◆ Use of area shown between Lots 112 and 113 be labeled
2. The applicant shall have additional surveys performed for the listed species during the time said species is most likely to be identified, prior to ground disturbing activities in the potential habitat area. Carolina ladle Crayfish, Four-Toes Salamander, and lark Witchalder and Sweet Pine Sap. A report of said findings shall be provided to the Planning Department and if said species are found, the applicant shall work with the North Carolina Botanical Gardens or similar organization to relocate and/or protect said species. Methods considered shall be reported to the Planning Department prior to ground disturbing activities in the habitat area.

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

Subdivision Preliminary and Final Approval of "The Legacy at Jordan Lake, Phases 2 & 3": Consideration of a request by The Legacy at Jordan Lake, LLC for subdivision preliminary and final plat approval of "**The Legacy at Jordan Lake, Phases 2 & 3**", consisting of 114 lots, on 166 acres, located off Big Woods Road, SR #1714, Williams and New Hope Townships

As per the Planning Department and Planning Board recommendation, Commissioner Outz moved, seconded by Commissioner Cross, the road names *Covered Bridge Trail, Timber Crest Drive, High Woods Ridge, and North Crest Circle*, preliminary and final

approval of “The Legacy at Jordan Lake, Phases Two and Three, were approved with the following conditions:

1. The plat shall not be recorded until the County Attorney has approved the financial guarantee.
2. The mylar copy of the final plat shall show a 20 foot wide public utility easement to the McLean Tract between Lots 130 and 129, the Harris tract (in a location best determined by Chatham County Public Works and the project engineer) and to The Preserve at Jordan Lake along the boundary of Lot 125.
3. The mylar copy of the final plat shall show a 50 foot wide future dedication of private right-of-way from Covered Bridge Trail to The Preserve at Jordan Lake boundary and to the McLean boundary.

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

PUBLIC INPUT SESSION

Susan Keese, 360 Luna Lane, Chapel Hill, NC, stated that she attends a fitness class at the gym in Cole Park Plaza; that at the end of every class, they pause to remember all that they have to be thankful for; that she would like to express her thanks to the three outgoing Commissioners for three decisions for which she is exceptionally thankful; that at the time, she did not agree with these particular decisions; that she now believes that they were appropriate for the legacy that they chose to leave as citizens of Chatham County and the activism that they have inspired; that the decision in October 2004 to grant a conditional use permit for a “land reclamation” project adjacent to her off Old Lystra Road; that she was not happy about the prospect of the five-year project and neither were her neighbors; that she accepted when the conditions are not followed, she can call Pittsboro; that she can report violations to the County Zoning Enforcement Officer and leave voice mail messages when the violations occur after the approximate permitted hours of operation; that if rock grinding occurs, as it did in January, 2006, which was clearly out-of-compliance, she knows that she can count on her to ensure that it is stopped...as soon as the contractor completes the job; that if the operation runs on Sunday, she can call the Sheriff’s Department but she has learned that they do not have conditional use permits available to them; that this was excellent training for compliance issues to come in her future; that the land reclamation project decision also trained her to pay close attention to notices that arrive in the mail from the County that are not always tax bills; that if she doesn’t take the opportunity to speak at a public hearing, then she has essentially voted in support of all the trucks that bring the dirt to the storage yard; that she has also learned that it does not matter if she attends the Planning Board meetings, as she has learned that their board was appointed by the Board of Commissioners and are not there to serve her as a taxpayer; that the Board’s decisions have allowed her to meet her adjacent neighbors to learn how they can voice their concern when something does not meet the five findings to reduce the chance of such conditional use permits from being approved in the future; that the next proposed Conditional Use Permit has no time limit; that the second decision for which she is thankful is that the Board has supported its County Planner; that due to his work, she has learned to access the planning library at UNC-Chapel Hill and learn more about surveying; that the third decision for which she is thankful is putting the district voting initiative on the ballot which was a great way to mobilize the citizens; and that she is thankful for the prayers to make the decisions to maintain the beauty of the County. She wished the Board well in their new endeavors.

Peter Theye , 1065 Boothe Hill Road, Chapel Hill, NC, stated that he is really angry at the development that the outgoing Board of Commissioner members has been a part of; that he is angry with the crowding at the schools; that he questioned why the Board of Commissioner members were doing this; that he has been an optimistic person in the past but not today; that he is disheartened by the sights like Chatham Downs; that the Board of Commissioners’ decisions have taken a toll on people personally; that he is really sad about the outcome of the decisions the Board of Commissioners has made.

Commissioner Outz stated that he admired Mr. Theye’s remarks; that he thinks that some of them were a little off target; that he doesn’t consider the schools crowded; that he

doesn't figure that the majority of people moving into the County buying \$400-500,000 homes add many children to the school system; that the Board has worked toward getting water for the citizens that have been without water for years; and he doesn't feel that the Board should be criticized for things that they have not done.

The Chairman closed the Public Input Session.

BOARD OF COMMISSIONERS MATTERS

Resolution Honoring Northwood High School Marching Chargers

Resolution Honoring Northwood High School Marching Chargers: Consideration of a request to adopt a **Resolution Honoring Northwood High School Marching Chargers**

Commissioner Cross read the Resolution Honoring the Northwood High School Marching Chargers.

Commissioner Cross moved, seconded by Commissioner Emerson, to adopt **Resolution #2006-66 Honoring Northwood High School Marching Chargers**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Resolution Honoring Chatham Central FFA Team

Resolution Honoring Chatham Central FFA Team: Consideration of a request to adopt a **Resolution Honoring Chatham Central FFA Team**

Commissioner Emerson read the Resolution Honoring the Chatham Central FFA Team.

Commissioner Emerson moved, seconded by Commissioner Outz, to adopt **Resolution #2006-67 Honoring Chatham Central FFA Team**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Resolution Honoring the Service of William "Bill" Lowery

Resolution Honoring the Service of William "Bill" Lowery: Consideration of a request to adopt a **Resolution Honoring the Service of William "Bill" Lowery**

Chairman Morgan read the Resolution Honoring the Service of William "Bill" Lowery

Chairman Morgan moved, seconded by Commissioner Emerson, to adopt **Resolution #2006-68 Honoring the Service of William "Bill" Lowery**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Habitat Affordable Housing Request: Consideration of a request by Chatham County Habitat on a request for matching grant funds

Commissioner Cross explained that the County entered into the affordable housing business with the Briar Chapel-Newland contribution of \$1.1 million dedicated to Habitat homes and sixty lots on-site for Empowerment homes; that as a result of a grant request submitted by Chatham Habitat, there has been an anonymous donor who has viewed the program and is challenging the County with a grant of \$750,000.00 for matching funds; that the foundation wishes to remain anonymous at this time; that they are trying to buy the property close to Horton Middle School; that with the price that they recently had to pay for four acres, they need the contribution; that this will further leverage USDA Rural Development Funds and North Carolina Housing Finance Agency funds; that the details of the application are being considered at this time and the indications are that funds will be earmarked for land acquisition and infrastructure which is exactly what is needed at this point; that he and the County Manager met with officials of the Habitat Board and agreed that they could do a reimbursement match and spread it over several years; that this would mean the foundation would contribute \$750,000.00 directly to Habitat's bank account; that

when Habitat got a project, they would draw on the foundation money and present the County with an invoice at which time they would be reimbursed 50% of what was spent at that time; that as things progress and they get on the last purchase on Cornwallis Street, Habitat would present each land purchase to the Board of Commissioners to keep them informed of the progress.

Commissioner Cross moved, seconded by Commissioner Barnes, to adopt **Resolution #2006-69 to Provide Matching Funds**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Chairman Morgan thanked Commissioner Cross for all the work he does on this committee.

Commissioner Cross expressed appreciation stating that he feels that this puts the County in a partnership with a development partner; that this will give them the money to move forward as property prices are not decreasing; and that this might keep them busy for the next twenty years.

PLANNING AND ZONING

Chairman Morgan stated that there were a couple of items on the Consent Agenda, The Bluff, Phase I and others, on which objections were received from residents in the area; that the letter that was received would be noted in the meeting; and that a copy would be given to the Clerk to the Board.

Public Hearings:

Public Hearing on 2004 Community Development Scattered Site Housing Project: Public hearing to receive public comments for the Close Out of 2004 Community Development Scattered Site Housing Rehabilitation Project

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

The Chairman closed the public hearing.

Public Hearing to Rezone Acreage in Cape Fear Township: Public hearing to receive public comments on a request by Hardip S. Dhillon to rezone approximately 4 acres off old US Highway #1 and new US Highway #1, New Hill, Cape Fear Township from RA-40 to B-1 to be combined with his current B-1 property

Lundy Riggsbee, PO Box 754, Pittsboro, NC, attorney representing Mr. Dhillon, stated that the additional four acres is bounded by US Highway #1 so there is no access to the road; that there would be access through his current B-1 property; that she has letters from owners on the south side stating no objection to the proposed rezoning; that on the west side there is already a tower; and that they have not heard from any other adjoining landowners that object to this project.

The Chairman closed the public hearing.

Public Hearing for Revision to Existing CU-PUD Permit for Cole Place: Public hearing to receive public comments on a request by Greg Isenhour for a revision to an existing CU-PUD Permit for Cole Place, located off Plaza Drive (private), Williams Township to add an additional 16 town homes to the existing 60 town homes already constructed

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

Allison Weakley, 311 Boothe Hill Road, Chapel Hill, NC, stated that the site is located fairly close to Cub Creek which is a major perennial stream that drains into the northwest arm of Jordan Lake and is already impacted by development within its watershed; that she would like for the Board to consider asking the developer for a 100' buffer along the creek instead of the 50' buffer; that looking at the design of the town homes it seems that

they are similar to what currently exists nearby; that she would encourage the Board to modify the design to reduce the impervious surface; and that she would ask the Board to consider asking the developer to design storm water features to meet the two-year twenty-four hour storm requirements that other developers in Chatham County have voluntarily meeting those standards.

The Chairman closed the public hearing.

Public Hearing on Proposed Text Amendments to the Chatham County Flood Damage Prevention Ordinance: Public hearing to receive public comments on proposed text amendments to the Chatham County Flood Damage Prevention Ordinance to comply with the minimum criteria of the National Flood Insurance Program. The amendments include the incorporation of revised Flood Insurance Rate Maps (FIRMs) for Chatham County that will become effective on February 2, 2007.

Mark Ashness, 30020 Village Park Drive, Chapel Hill, NC, stated that he supports the updating in the ordinances in general to correspond to the recently updated FEMA maps established by the State of North Carolina; that he encouraged the staff to allow uses within in the flood plains such as greenway trails, parks, and ponds to occur within the flood plain provided that they do not provide any adverse impact to flood waters in that particular corridor; that he would also like to include the e-mail that he forwarded the Planning Director over the weekend as part of his comments.

Russell Underwood, 2189 Everette Dowdy Road, Sanford, NC, stated that his family owns a great deal of land in the flood plain; that he would have liked noticed when the ordinance was initially developed; that they are basing this ordinance on public health; that if it is a public health issue, the ordinance is retroactive; that he has some questions about where the elevation levels came from; and that he questioned how this is being applied. He praised the efforts of the present Board of Commissioners; that he applauds the new Commissioners coming and applauds those leaving because they are willing to do something because the biggest tragedy is when one fails to do anything.

Stuart Bryan, 374 Walnut Branch Road, Chapel Hill, NC, Vice President of the Triangle Off-Road Cyclists, a non-profit, volunteer-based group that primarily builds sustainable mountain-bike trails, stated that their trails are enjoyed by a lot of hikers and bikers; that he asked that pedestrian bridges be included in the ordinance; that each watershed is a unique situation; that the issue is the volume and velocity of water; that his group tries to build the most conservative bridges that will not cause more problems during flooding.

Susan Kirk, 5850 Fayetteville Road, Durham, NC, stated that she is a landscape architect; that she and her firm applaud Chatham County's efforts to update the flood plain ordinance to protect the public health, safety, and welfare; that there should be no prohibition of boardwalks in flood plains landscapes; that boardwalks do not cause health, safety, or welfare problems within the flood plains; that construction of boardwalks do not pose a flood management problem within Chatham County; that boardwalks can be constructed in a low profile manner; that when properly constructed, boardwalks can withstand the impact and over wash from flood waters; that there is no scientific engineering, health, safety, welfare, or any other reason for terminating construction of boardwalks within the flood plain.

Cleve Fogleman, 107 Memphis Circle, Carrboro, NC, voiced concern that if the flood levels are raised, more land will be impacted.

Don Clayton, 3342 Chatham Church Road, Pittsboro, NC, stated that when he moved to Chatham County, he knew that he was moving to a river corridor ordinance; that he never knew there was a "special flood hazard area"; that he knew that there was a flood line; that he hasn't seen a flood in the water in approximately two years; that the biggest flood he ever saw was during Hurricane Fran in 1996 when the water was touching the bottom of the bridge; that he wonders if the State has looked into the fact that the flood plain may be lower now than it was then; that it is a mystery to him to see that he is in something other than a river corridor ordinance.

The Chairman closed the public hearing.

PLANNING AND ZONING

Zoning and Ordinance Amendments:

(Items from July 17, 2006 Public Hearing)

Request to Rezone Acreage Located on Martha's Chapel Road: Consideration of a request by **Jeff Goodwin** by Attorney Cindy Perry to rezone 4.03 acres of property located on Martha's Chapel Road (SR #1752) to Conditional Use District B-1 Business for a boat, camper, and RV storage facility

This item was withdrawn by the applicant.

Request to Rezone Acreage Located on Martha's Chapel Road: Consideration of a request by **Jeff Goodwin** by Attorney Cindy Perry to rezone 4.03 acres of property located on Martha's Chapel Road (SR #1752) for a Conditional Use District Permit for a boat, camper, and RV storage facility

This item was withdrawn by the applicant.

Commissioner Cross announced that Amy Powell, Habitat Director, has prepared a news release for the County foundation-Partnership on affordable housing. He asked that everyone pick up a copy from her.

BREAK

The Chairman called for a short break.

(Items from September 18, 2006 Public Hearing)

Request to Rezone Acreage at Corner of Farrington Point Road: Consideration of a request by George Farrell, Jr. to rezone approximately 17.46 acres at the corner of Farrington Point Road (SR #1008) and McGhee Road (SR #1717), Williams Township from RA-40 Residential Agricultural to Conditional Use B-1 Business

Commissioner Emerson moved, seconded by Commissioner Outz, to adopt **An Ordinance Amending the Zoning Ordinance of Chatham County**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Request for Conditional Use B-1 Business Permit Across McGhee Road: Consideration of a request by George Farrell, Jr. for a Conditional Use B-1 Business Permit for expansion of the self-storage business located across McGhee Road and for flex office buildings (various business uses) with related storage located at the corner of Farrington Point Road (SR #1008) and McGhee Road (SR #1717), Williams Township

Commissioner Barnes moved, seconded by Commissioner Outz, to adopt **Resolution #2006-70 Approving an Application for a Conditional Use Permit Requested by George Farrell, Jr.**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Mr. Farrell thanked the Board for their continued support.

Request to Rezone Acreage Into A Conditional Use B-1 Business District: Consideration of a request by Lee-Moore Oil Company to rezone a 63.3 acre tract into a 29.4 acre Conditional Use B-1 Business District and a 33.9 acre RA-40 Residential Agricultural District located off US Highway #15-501 North, south of the Chatham/Orange County line, Williams Township

Nat Smith objected to the Board's hearing Items #37 and #38 on the basis that an action is pending in the Superior Court of Chatham County seeking a final determination as to the existing zoning of this tract. He stated that the basis of the objection is simple in that it is inappropriate to determine whether a rezoning is appropriate until a final determination as to the existing zoning is made; that at the Planning Board meeting, the adjoining land owners

were not allowed to an opportunity to speak; and that they would probably appreciate the opportunity to speak.

Bob Murdock stated that the rezoning is his biggest issue; that he addressed it at the appeals process; that filing the appeal in Superior Court shows how strongly he feels about it; that the redraw that the Planning Director provided the night of the hearing surprised all of them; that it violated two things: 1) The drawing itself had only one real line to the metes and bounds that could be accurately drawn; that the other two lines had east and west boundaries had to be redrawn...not matching anything; that there was a hint of a line, but not a complete line; that there was only one basic line; that the other two had to be adjusted; that the fourth line had to be made up; that for him, this is issue is very questionable; that he thinks that judge will agree that the metes and bounds does not meet any sort of criteria for drawing of the business plat; that he thinks it is also unfair to the citizens when a public announcement goes out for a public hearing that gives misinformation or what they think was correct information on the 19.66 acres only to get there on the night of the public hearing when they were prepared to discuss the information that was distributed to the public to find out that night that everything had been redrawn; that it was redrawn to the favoritism of the applicant in such a way that everyone looked at what the Planning Director had come up with and decided that what the developer was planning was actually better than the 3.5 acres that they were stuck with; that instead of it looking like an intrusion and a growth of a business entity, it would actually look like they were reducing it; that they came to a public hearing, the group was not properly notified of the public hearing nor given a chance to prepare for it; and that to him, the public hearing should not have been held.

Patrick Bradshaw, representing Lee Moore Oil Company, stated that he would not rehash the testimony from the public hearing or the Zoning Board of Adjustment; that he would like to observe that the Zoning Board of Adjustment reached a conclusion about that after having heard all of the evidence and the arguments that were presented; that the mere fact that an appeal has been filed does not deprive the Board of Commissioners of its opportunity of its right to act on the application; that if the new zoning that has been requested is approved, it seems to him that the question of what zoning was approved in 1974 is an academic one because the zoning will be new zoning that is approved if the application is allowed.

Commissioner Emerson moved, seconded by Commissioner Outz, to adopt **An Ordinance Amending the Zoning Ordinance of Chatham County**; attached hereto and by reference made a part hereof. The motion carried three (3) to two (2) with Commissioners Barnes and Cross opposing.

Request for Conditional Use B-1 Business Permit for Home Improvement Center: Consideration of a request by Lee-Moore Oil Co for a Conditional Use B-1 Business Permit for a home improvement center and additional retail and shops located off US Highway #15-501 N, south of the Chatham/Orange County line, Williams Township, on 29.4 acres of a 63.3-acre tract

Commissioner Outz moved, seconded by Commissioner Emerson, to adopt **Resolution #2006-71 Approving an Application for a Conditional Use Permit Requested by Lee-Moore Oil Company**, attached hereto and by reference made a part hereof. The motion carried three (3) to two (2) with Commissioners Barnes and Cross opposing.

RESIGNATION OF COUNTY ATTORNEY

Robert L. Gunn, County Attorney, announced that he would not be a candidate for reappointment as the Chatham County, County Attorney beyond December 2006. He indicated the willingness of his firm to continue representation of the County in any pending litigation and assist in an orderly transition to the extent that he is able. He thanked each member of the Board of Commissioners for which he has served, stating that he was greatly indebted to the dedicated and loyal staff with whom he has worked on a daily basis for the good of the County during the past thirty-three years. A copy of his resignation letter is attached hereto and by reference made a part hereof.

Mr. Gunn received a standing ovation.

MANAGER' S REPORTS

There were no County Manager reports.

COMMISSIONERS' REPORTS

Resolution Honoring the Service of Commissioner Bunkey Morgan:

Commissioner Cross read a resolution in its entirety honoring the service of Commissioner Bunkey Morgan to Chatham County. By consensus, the Board adopted **Resolution #2006-72 Honoring the Service of Commissioner Bunkey Morgan**, attached hereto and by reference made a part hereof.

Chairman Morgan received a standing ovation.

Resolution Honoring the Service of Commissioner Tommy Emerson:

Commissioner Cross read a resolution in its entirety honoring the service of Commissioner Tommy Emerson to Chatham County. By consensus, the Board adopted **Resolution #2006-73 Honoring the Service of Commissioner Tommy Emerson**, attached hereto and by reference made a part hereof.

Commissioner Emerson received a standing ovation.

Resolution Honoring the Service of Commissioner Carl Outz:

Commissioner Cross read a resolution in its entirety honoring the service of Commissioner Carl Outz to Chatham County. By consensus, the Board adopted **Resolution #2006-74 Honoring the Service of Commissioner Carl Outz**, attached hereto and by reference made a part hereof.

Commissioner Outz received a standing ovation.

Land Transfer Tax:

Commissioner Cross announced that the Triangle J Council of Governments Legislative Committee reported this week that revenue options, including the 1% Land Transfer Tax, is their number one goal; that the North Carolina Association meets on January 11-12, 2007 at which time he hopes that they are successful; and that so far so good.

Best Wishes:

Commissioner Outz wished the new board the best of luck stating that he looked forward to the progress they will make.

Chairman Morgan stated that it had been a pleasure serving with all Board members. He offered his best wishes to the Board members continuing to serve, those taking new seats, and praised the efforts of the County staff.

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 8:30 PM.

Chairman

ATTEST:

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