

**MINUTES**  
**CHATHAM COUNTY BOARD OF COMMISSIONERS**  
**REGULAR MEETING**  
**SEPTEMBER 20, 2010**

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The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met in the Central Carolina Community College, Multi-Purpose Room, located in Pittsboro, North Carolina, at 7:00 PM on September 20, 2010.

Present: Sally Kost, Chair; George Lucier, Vice Chair;  
Commissioners Mike Cross, Carl Thompson,  
and Tom Vanderbeck

Staff Members Present: Charlie Horne, County Manager; Jep Rose,  
County Attorney; Renee Paschal, Assistant  
County Manager; Vicki McConnell, Finance  
Officer; Jason Sullivan, Planning Director;  
David Hughes, Public Works Director; and  
Carolyn Miller, Human Resources Director;

**INVOCATION AND PLEDGE OF ALLEGIANCE**

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

**CALL TO ORDER**

Chair Kost welcomed everyone in attendance and called the meeting to order at 7:02 PM.

**APPROVAL OF AGENDA and CONSENT AGENDA**

Chair Kost asked that Consent Agenda Items #1, September 7, 2010 Regular Meeting Minutes and #24 Board of Commissioners’ 2010-2011 Goals be moved to the Regular Agenda. She asked that on Item #22, Piedmont Food & Agricultural Processing Center Steering Committee Appointments, the appointment of Jason Otis be removed.

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

1. **Minutes:** Approval of Board Minutes for Regular meeting held September 7, 2010 and Work Session held August 2, 2010

The motion carried five (5) to zero (0) the approval of the minutes for the Work Session held on August 2, 2010.

2. **HIV Case Management Services:** Approval of a request to accept funds in the amount of \$11,215 from the Ryan White HIV/AIDS Treatment Modernization Act for HIV Case Management Services for the Chatham County Health Department

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

3. **Circle of Parents Funds:** Approval of a request to accept funds in the amount of \$300 from the Chatham County Partnership for Children to support the Circle of Parents support group at the Chatham County Health Department

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

4. **Adolescent Parenting Program Funds:** Approval of a request to accept funds in the amount of \$12,020 from the Women and Children’s Branch of the Department of Public Health for the Adolescent Parenting Program offered through the Health Department

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

5. **Cardiovascular Screening Funds:** Approval of a request to accept funds in the amount of \$3,758 from the WISEWOMAN project in North Carolina for the provision of cardiovascular screening services at the Health Department to 20 women enrolled in the NC Breast and Cervical Cancer Control Program

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

6. **Eat Smart Move More Funds:** Approval of a request to accept funds in the amount of \$1,100 from Eat Smart Move More for the Chatham County Health Department to implement the Just Push Play (JPP) program which will increase physical activity levels in three Chatham County Schools

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

7. **Smart Start Funds:** Approval of a request to accept funds in the amount of \$3,948 from Smart Start to fund the Children's Resource Van Program offered through the Family Outreach and Support Services section of the Chatham County Health Department

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

8. **Reimbursement for Health Inspections:** Approval of a request to accept funds in the amount of \$173 from the Women and Children's branch of the Department of Public Health as reimbursement for conducting health inspections to 2 organizations providing Summer Food Service Program Meals

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

9. **Focus on Fathers Funds:** Approval of a request to accept funds in the amount of \$2,242 from the Chatham Partnership for Children to fund the Focus on Fathers program offered at the Chatham County Health Department

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

10. **Alliance of AIDS Services- Carolina (AAS-C) Funds:** Approval of a request to accept funds in the amount of \$15,368 from the Alliance of AIDS Services- Carolina for the provision of HIV case management services

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

11. **Influenza Vaccine Fees FY 2011:** Approval of a request to accept the recommended fees for the seasonal influenza vaccine for FY 2011

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

12. **Tax Releases and Refunds:** Approval of a request to approve tax releases and refunds, attached hereto and by reference made a part hereof.

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

13. **Community Development Block Grant (CDBG) Economic Recovery Program Application:** Approval of a request to submit an application for the North Carolina Community Development Block Grant Economic Recovery Program in the amount of \$500,000, attached hereto and by reference made a part hereof.

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

14. **Language Access Plan:** Adoption of a Language Access Plan to comply with Community Development Block Grant requirements, attached hereto and by reference made a part hereof.

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

15. **Grand Trees of Chatham Reappointment:** Approval of a request to reappoint Stacey Gray as an at-large member to the Grand Trees of Chatham Board by the Board of Commissioners

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

16. **Grand Trees of Chatham Reappointment:** Approval of a request to reappoint Margaret Tiano as an at-large member to the Grand Trees of Chatham Board by the Board of Commissioners

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

17. **Grand Trees of Chatham Reappointment:** Approval of a request to reappoint Paul Horne to the Grand Trees of Chatham Board by the Board of Commissioners

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

18. **Northview Fire District:** Approval of a request to approve the Northview Fire District map, 6 Mile Insurance Rated District and written descriptions

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

19. **Fiscal Year 2009-2010 Budget Amendments:** Approval of 2009-2010 budget amendments as proposed by staff, attached hereto and by reference made a part hereof .

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

20. **Fiscal Year 2010-2011 Budget Amendments:** Approval of 2010-2011 budget amendments as proposed by staff, attached hereto and by reference made a part hereof.

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

21. **Affordable Housing Advisory Board Member Recommendations:** Approval of the nominations for the Affordable Housing Advisory Board as recommended by the selection committee of this board as follows: Leonard Zellers, Marcia Perritt, and Janet Marie Faulk Wyatt

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

22. **Piedmont Food & Agricultural Processing Center Steering Committee Appointments:** Approval of a request to appoint Commissioner Lucier and ~~Jason Otis~~ to the Piedmont Food and Agricultural Processing Center Steering Committee by the Board of Commissioners

The motion carried five (5) to zero (0) for the approval of the appointment of Commissioner Lucier.

The appointment of Jason Otis was deferred to a later date.

23. **Solid Waste Advisory Committee Appointment:** Approval of a request to appoint Donald M. Shilesky to the Solid Waste Advisory Committee by Commissioner Vanderbeck

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

24. **Board of Commissioner 2010-2011 Goals:** Approval of a request to adopt the 2010-2011 Board of Commissioners' Goals

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

**END OF CONSENT AGENDA**

**PUBLIC INPUT SESSION**

**Leslie Landis**, 21 Randolph Court, Pittsboro, NC, from the Chatham County Arts Council, thanked the Board and staff for their efforts and the dedication for the new library and the sustainability center. She added that these efforts make her proud to be a citizen of Chatham County; that these buildings show innovation and will bring invention, which is part of what the arts do in the County as well. She invited everyone present to attend the screening "Hungry for Green," a documentary about sustainable agricultural practices and the issue of hunger, hosted by the Chatham Arts Council on Tuesday, September 28<sup>th</sup> starting at 7:00 PM at the Pittsboro Ferrington Village Barn. She added that the Arts Council will be presenting an arts integration program for The Americans for the Arts on Tuesday, October 5<sup>th</sup>; that this event is for teachers, parents and students to talk about incorporating the arts in educational venues and how the arts increase innovation, which leads to jobs and economy.

**GRAND TREES OF CHATHAM**

Stacey Gray, Chair of the Chatham County Grand Trees of Chatham Board, presented the following power point presentation in honor of the Grand Trees that were nominated in 2010:

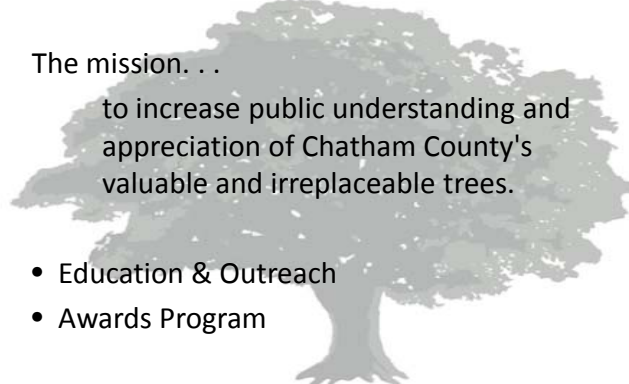


**Grand Trees of Chatham**

The mission. . .

to increase public understanding and appreciation of Chatham County's valuable and irreplaceable trees.

- Education & Outreach
- Awards Program

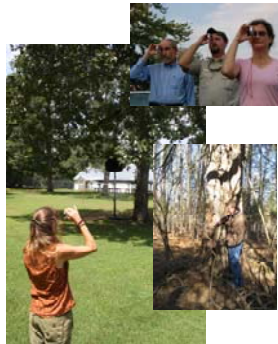


## Education & Outreach



## Awards Program

- Citizens nominate trees
  - Champion
  - Historic
  - Landmark
  - Meritorious
- Judged by tree professionals
- Trees meeting criteria are awarded Grand Tree



## Champion Tree



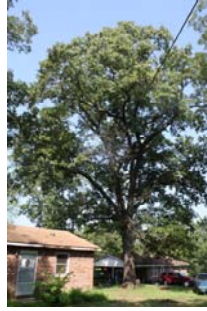
Johnny & Ann Glosson  
Willow Oak *Quercus phellos*  
350 Points    NC State Champ 418 Points

## Champion Tree



Mays Chapel Church  
Eastern Red Cedar *Juniperus virginiana*  
214 Points    NC State Champ 274 Points

## Champion Tree



Robert Smith

Black Oak *Quercus velutina*  
266 Points    NC State Champ 352 Points

## Champion Tree



Jimmy & Audrey Schwankl

Post Oak *Quercus stellata*  
254 Points    NC State Champ 325 Points

## Champion Tree



Andy Upshaw

Southern Red Oak *Quercus falcata*  
368 Points    NC State Champ 425 Points

## Champion Tree



Ronnie & Stephanie Lilly

Bitternut Hickory *Carya cordiformis*  
290 Points    NC State Champ 342 Points



### Meritorious Tree



Judy Hogan

White Oak *Quercus alba*

271 Points    NC State Champ 368 Points

### Meritorious Tree



Jimmy & Audrey Schwankl

White Oak *Quercus alba*

273 Points    NC State Champ 368 Points

### Meritorious Tree



Ray and Joni Pavlik

White Oak *Quercus alba*

275 Points    NC State Champ 368 Points

### Thank You!

- NC Division of Forest Resources and NC Urban & Community Forestry Program
  - Triangle J Council of Governments
  - Al Cooke, Chatham Cooperative Extension
  - Chatham Board of Commissioners
  - Keith Nunn at North Carolina Signs
  - Board Members and Volunteers
-



[www.chathamnc.org](http://www.chathamnc.org)

[grandtrees@chathamnc.org](mailto:grandtrees@chathamnc.org)

Ms. Gray asked Chair Kost and Walter Harris, Vice Chair to the Grand Trees of Chatham Board, to assist her with the awards. She stated that each winner receives a certificate and a plaque that marks their tree as a Grand Tree.

The first Champion award went to a willow oak tree that belongs to Johnny and Ann Glosson. Ms. Gray added that this Willow Oak tree is one hundred-fifty years old or older; that it is a very special tree to the Glosson family. She added that Johnny and Ann Glosson are the fourth generation of Glossons to live on their farm; that there are many stories and memories of this tree that have been passed down from grandparents and great-grandparents.

The second Champion award went to an eastern red cedar located on Mays Chapel Church property. Ms. Gray stated that this tree was nominated by Andy Siegner; that this tree is located next to an old home site that is owned by Mays Chapel Church. She added that the church itself is over two hundred years old and absolutely beautiful.

The third Champion award went to a black oak owned by Robert and Emma Smith. Ms. Gray stated that this tree was nominated by Judy Hogan as part of a grouping. She added that oak trees in this house once formed a ring around a house that was part of the property and was lost in the 1970's. She also stated that these trees are at least one hundred years old.

The fourth Champion award went to a posed oak that belongs to Jimmy and Audrey Schwankl. Ms. Gray commented that posed oaks are some of her favorite trees because they grow in interesting forms. Ms. Gray quoted Ronnie Lilly, one of the volunteer arborists, as saying "This is the nicest posed oak I've ever seen."

The fifth Champion award went to a southern red oak owned by Andy Upshaw. Ms. Gray stated that this red oak tree is located near an old home site and it is thought to be over one hundred-fifty years old. Ms. Gray added that this red oak also has the honor of being the biggest Grand Tree in the county.

The last Champion award of the night went to a bitternut hickory tree owned by Ronnie and Stephanie Lilly. Ronnie and Stephanie are both volunteers in the Grand Trees of Chatham Board. They are both tree professionals that assist the Board with judging and measuring the nominated trees.

The next three awards were for Meritorious trees, which are on their way to becoming Champion trees. Ms. Gray added that these trees are all white oaks and they were only a few points away from receiving a Champion award.

The first of these trees belongs to Judy Hogan. Ms. Hogan could not be present to accept the award, but was very excited that her tree was named a Grand Tree. The award was accepted by Emma Smith on behalf of Ms. Hogan.

The second of these trees was slightly larger than Ms. Hogan's tree and it belongs to Jimmy and Audrey Schwankl.



The final tree in the Meritorious category was the largest of the three white oak trees. This tree belongs to Ray and Joni Pavlik. Ms. Gray added that Mr. and Mrs. Pavlik nominated this tree, as part of a grouping around their home. She also added that their 1924 home sits on the old Sanford-Pittsboro Highway next to an old red brick store that was also built in the 1920's.

In closing, Ms. Gray thanked the North Carolina Division of Forest Resources for providing the funding for the program through their Urban and Community Forestry Grant Program. She also thanked the Triangle J Council of Governments for their inspiration for this program and Al Cook, from the Chatham County Cooperative Extension. Ms. Gray thanked the Board of Commissioners for their support and commitment to the issues that are important to everyone. She thanked Keith Nunn, from North Carolina Signs, who made the plaques. Lastly, she thanked the Grand Trees of Chatham Board members for all of their hard work to make this program possible. She added that anyone who was interested in receiving information on how to care for trees, choosing the right tree for a property, nominating trees, upcoming events or workshops, or volunteering on this board, can contact the members by visiting their page on the Chatham County website or visiting [grandtrees@chathamnc.org](mailto:grandtrees@chathamnc.org).

Chair Kost thanked Ms. Gray and the Grand Trees of Chatham Board for their hard work.

## **COURTHOUSE UPDATE**

### ***Public Hearing***

Public hearing to receive public comments on the report presented by the Chatham County Courthouse Task Force at the September 7, 2010 Board of Commissioners' meeting.

Charlie Horne, County Manager, stated that the taskforce met on June 14<sup>th</sup>, and completed a report to present to the Board by August 17<sup>th</sup>. Mr. Horne added that the charge of the taskforce was to identify possible functions, activities and purpose for the new historic courthouse. The taskforce members believe that the second floor should maintain the judicial function and should be rebuilt to look similar to what it looked like prior to the fire. Members would also like to expand the use and flexibility of the second floor courtroom without compromising the historic and functional integrity of the building. The members support a fixed seating option and a more flexible well area on the second floor courtroom. There is interest in seeing the second floor used more broadly, than it had been used in the past, but members support activities with less impact to the second floor. The taskforce also recommends that the county develop a more formal policy for use of the courthouse.

Mr. Horne stated that there was substantial interest in the group in expanding the public use on the first floor. The taskforce also recommends that the Historical Association should remain in the first floor. There is a strong interest in establishing a visitor's center on this floor. If the courthouse is accessed by more visitors, safety measures such as raised walkways, flashing lights and speed bumps should be in place to protect them.

Beth Kricker, 224 Buteo Ridge, Pittsboro, NC, stated that she has lived in the Redbud community of Pittsboro for the past two decades. She stated that she stopped at the General Store Café one night and noticed the dark courthouse. She states that she closed her eyes and envisioned the courthouse full of bright lights. There was a banner on the courthouse and it read "Performance Tonight Peter Pan Broadway and Local Talent children accompanied by parents are welcomed." She could see families walking up the stairs to attend the performance. The shops were brightly lit and restaurants remained opened to service the families attending the performance. She saw Pittsboro alive, full of activity and burgeoning. She had to open her eyes and Pittsboro was back to normal. She wondered if it were possible to have a live performing arts center accompanied with arts, crafts, and young people coming in to learn these crafts. She asked if the courthouse should become a catalyst for a bright new future or be given to the people of Chatham, who have paid for it for many years. She added that there could be no better purpose than to serve as the instrument that brings new life and prosperity to the Town and provide a legacy to the children. She added that the attendees present at the community forum on the courthouse arranged to fill out a survey and create a petition. She also stated that these people who signed the petition all agree that the courthouse should serve the people of Chatham County.

Susan Little, 71006 Everard, Chapel Hill, NC, stated that she served on the Courthouse Taskforce and there was one overriding consensus in the county, which was to build the courthouse to look like it did before and restore a courtroom in it. She stated that based on her past experiences with long-term funding for historic courthouses, if a legitimate full-functioning courtroom is not created in the restoration process funding will become a problem. She added that a functional courtroom will require expensive technological support as well as updated security. If groups of any persuasion wish to expand the use of the courtroom too drastically, the purpose of the courtroom is jeopardized. The courtroom can then be labeled as ineffective and abandoned as a courtroom. You then face a situation where the county turns the building over to groups to be used as a community center or some other function. These groups are then trying to raise money to keep the building while also trying to raise money to keep their programs running. There was a belief that when the auditorium at Northwood High School was expanded it would become available to all Chatham County residents for their use. It is her understanding that this is not the case and she would like the Board to look into this. A true performance center is needed in the county and she hopes that the Board will consider this in the future. As the county grows, the arts will be a selling point. She added that she supports a first class courtroom in the restored courthouse with auxiliary uses that match the decorum of the room. She also supports a museum on the first floor because it is a legitimate use of county space, a place to tell the impressive history of Chatham County to all visitors and a place to educate students. Legitimate uses of courthouses and their space ensure funding for the years to come.

Commissioner Lucier thanked Ms. Little for her service on the taskforce. In response to her question about the auditorium at Northwood High School, he stated that it has been upgraded with lights, sound and staging. He added that the same will be done with the auditoriums at Jordan Matthews and Chatham Central. It is his understanding that the auditorium at Northwood has already been used for a couple of community events. The Board will look into this, as the agreement with the school system was that the general public would be able to use this space for performances that need this type of facility.

Ms. Little responded that she cannot speak for the performing arts people, but there seems to be a problem with high schools having their needs met first.

Doris Betts, 795-B NC Highway 902, Pittsboro, NC, stated her late husband Judge Betts was in many North Carolina courthouses and courtrooms in his lifetime. She added that Judge Betts never found a courtroom as handsome, dignified and as suited to the judicial process as the one in Pittsboro's historic courthouse. She stated that appearances are not everything, but people are more uplifted and more reverent when everything around them testifies to a higher purpose. In the Chatham County courthouse, especially in the courtroom, the higher purpose has been justice and sometimes even mercy. Many citizens come there and all are equal under the law. The Town of Pittsboro grew up around this building, its public records, services and history. Although the courtroom has had additional uses as a local auditorium, it never sacrificed its purpose. To reduce the courtroom now to a multipurpose room would strike at the very heart of Chatham County, dilute tradition, ignore urgent legal needs and would require constant readjustments to space that rapidly became substandard all the way around. In the morning, she was a spectator at Superior Court while it took place in the basement of the Agriculture Building. She added that anyone present knows how unsatisfactory this multipurpose courtroom is. A multipurpose building without a central courtroom would be a building neither fish or fowl and it can only become a hybrid with many dissatisfactions. When it is time to raise funds for a local theater or an arts and community center, she will gladly be one of the volunteers and work for that goal, but not as a make-do replacement for the genuine historic courthouse and its traditional courtroom that so many citizens have had for so long and is still needed.

Barbara Pugh, 5332 NC 87 North, Pittsboro, NC, stated she served on the taskforce and is also part of the Chatham County Historical Association. She added that she recently made a statement saying that the Historical Association gets help from many friends. The statement is reflected in the support they see from the taskforce, the Commissioners, from county employees and the citizens of the county as everyone has worked to recover from the fire. The Historic Association is honored to have been so favorably considered by the taskforce and looks to the future with the purposes of saving and preserving the county's history and sharing it with others.

In the early days after the fire, Charlie Horne said that it will be a new day for the courthouse and the Historic Association hopes that they will be here to benefit the citizens of the county.

Chair Kost stated that looking at the feedback received on the courthouse, almost everyone agreed that a museum needs to be in the first floor.

Wade Barber, 27 Hillsboro Street, Pittsboro, NC, stated that he appreciates the taskforce and the good work that they have done. He stated that he personally is tied to the courthouse and decided to look back to 1870. Chatham County was recovering from a war so people were poor and had few resources. He asked what the Commissioners had done to help. He stated that they built a beautiful courthouse in the circle in the middle of town, right in the main crossroads of the county. The beauty of the courthouse was no accident and neither was its location. A courtroom was built in the middle of the second floor, one that was once elegant and straight forward with great windows open to the light of the sun and into the community outside. They wanted a courtroom that inspired people. They recognized that what went on inside that courtroom would be essential to the lives of so many people, those who were accused of a crime, those seeking to correct an injustice, to the judges who would preside, lawyers who would argue into the juror office and hold in their bare hands the lives of so many people. The tasks before those litigants, lawyers, judges, jurors and witnesses are awesome. The dangers of miscarriage are terrible. The judgment, wisdom and courage necessary to do justice, does not come to humans automatically. Everyone needs inspiration. People get inspiration from families, churches, schools, traditions and belief in the rightness of government. Sometimes it is hard to corral that inspiration. People do not likely put aside their mundane concerns and self-interest in doing justice, but people need inspiration.

John Blair, 6125 US Hwy 64 East, Pittsboro, NC, stated that his first personal experience with the Chatham County Courthouse was when he was four or five years old. He stated that he lived in an old house which was located in what is now the Henry Dunlap Building parking lot. When court was in session, the judge would send a bailiff to get him and he would draw names out of a hat to seat the jury. He remembered receiving change from the lawyers and jurors after court concluded. His father opened a savings account for him with this money and he managed to save enough to buy a car at the age of 18. When he was in his junior year in high school, his drama class put on a play in the courtroom and it was a great hit with the community. Prior to the most recent fire, the courthouse has always been the main historic attraction in Chatham County because it is authentic. It would be best if the authenticity can be enhanced without obvious visual changes inside the circle. For the last several years, the political talk of saving Chatham County's heritage and character has been top priority. It is time to rebuild the courthouse as close to the previous structure as possible and keep the building usage intact.

Pam Smith, 530 Sanford Road, Pittsboro, NC, stated that she was part of the taskforce. She added that everyone wants the rebuilt courthouse to resemble the old courthouse and that no one is questioning having court in the courthouse. She stated that people can listen to other ideas too. This courthouse is Chatham County's courthouse and it is for everyone in the county. She would like to see a museum downstairs where photographs can be displayed. This county is growing and everyone needs to be welcomed. One way of doing this is by restoring the courthouse to its beauty. People will come from all over to see it, but she would also like to incorporate other things in this courthouse that other people can see. She added that classes about the history of the county can be held downstairs and this will not only help preserve the façade of the courthouse, but also its history.

Chair Kost stated that the purpose of this item was not to make a decision, but to gather more information and receive feedback from the citizens.

Commissioner Lucier added that it would be a good idea to articulate the general timetable for deciding on what the main uses for the floors at the courthouse will be and moving forward with the renovation. He stated that he would like to see the Board make a decision in October so that the architect can begin work on the courthouse. He stated that the taskforce has invested a tremendous amount of time and energy in developing these recommendations and it is now time for the Board to move as quickly as possible to move this project forward.

Chair Kost asked staff to have this item on the October 4<sup>th</sup> agenda and include decision points for the Board to discuss as well as information that the architect needs to move forward. She added that this item can be placed on the agenda again on October 18<sup>th</sup> for a final decision. The Board agreed.

### **BREAK**

Chair Kost called for a short break.

### **PLANNING AND ZONING**

#### *Legislative Hearing:*

Public Hearing to receive public comments on submitting an application for the North Carolina Community Development Block Grant Economic Recovery Program in the amount of \$500,000

Jason Sullivan, Planning Director, explained that this public hearing was to receive public comments as part of the process for submitting an application for the Community Development Block Grant Economic Recovery Program funds in the amount of \$500,000. Mr. Sullivan added that the County submitted an application for this same grant last year, but the County was not chosen for funding. The Division of Community Assistance informed staff earlier this year, that they received additional rehabilitation funds and were allowing those who did not receive funding in 2009 to reapply. The application that is being submitted this year is for \$500,000 in rehabilitation funds, which will be used for repairs to nine dilapidated homes of low income residents of Chatham. He stated that the houses that were in the application last year are still eligible and have been added to this application along with two other homes from the list of applicants and three alternates. Staff is working with Hobbs Upchurch and Associates to complete the application; that the application was sent to staff last week and the timeline for submission of paperwork is tight. He stated that staff from Hobbs Upchurch and Associates has visited the houses listed on the application to identify the repairs that are needed; that staff also made sure that the home repair needs of the applicants qualified for the grant. The homes included in the application are all located in Chatham County. The deadline for submitting the application is September 30, 2010.

Chair Kost asked when staff will know if Chatham was awarded the grant. Mr. Sullivan responded that they should have a response by the end of the year.

Mr. Sullivan added that roughly \$40,000 are being allocated for repairs to each of the houses in the application; that the reason why they are not including more houses for repairs is because if the project bid for a house comes in higher than expected, staff can request a variance from the Division of Community Assistance to apply additional funds to that house. Mr. Sullivan stated that once the nine houses are repaired, remaining funds will be applied towards the repairs of more houses until the \$500,000 has been exhausted.

Commissioner Lucier asked if there was a time limit for spending the grant funds if awarded. Mr. Sullivan responded that the funds need to be spent within three years.

Commissioner Thompson asked how staff would identify additional houses to repair if there are funds left over. Mr. Sullivan stated that they would start with three alternate houses listed on the application.

Commissioner Thompson asked if there was a waiting list. Mr. Sullivan responded that they do have a waiting list and that in fact, staff is also working on a Scattered Site Housing Program; that information on this program will be presented to the Board in October since the deadline for the application is November 15<sup>th</sup>. Mr. Sullivan added that they are taking applications for this upcoming program now; that anyone with a house in need of repairs can fill out an application.

Commissioner Thompson stated that he talked to a board member from the Town of Siler City who is going to churches to let people know about the grant and asking them to submit an application for this project; that he told the board member that the houses have already been selected. He asked Mr. Sullivan if he wants people to apply at this time. Mr. Sullivan clarified that they have two different grants; that earlier this year they completed the application for the Scattered Site Housing Program, staff is working on a House and Finance Agency Grant and the project being discussed today is for the Community Development Block Grant Economic Recovery Program. Mr. Sullivan stated that the board member was probably referring to the Scattered Site Housing Program for which staff is accepting applications through September 30<sup>th</sup>.

Commissioner Thompson asked Mr. Sullivan to contact Jack Meadows and Commissioner Cheek to let them know that applications are being accepted. Mr. Sullivan added that applications were sent to Jack Meadows to have them available at his office.

Chair Kost opened the floor for public comments.

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

Chair Kost closed the floor for public comments.

Commissioner Vanderbeck moved, seconded by Commissioner Lucier, to authorize the Planning Department to submit an application for the North Carolina Community Development Block Grant Economic Recovery Program in the amount of \$500,000.

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

**Evidentiary Hearing:**

Public Hearing to receive public comments on a request by HBP Properties, LLC for a revision to the existing conditional use permit on Parcel No. 2407, known as Polk's Village, 10677 US 15-501 N, to add additional uses on the property

Jason Sullivan, Planning Director, stated that the request is to add additional uses to the conditional use permit. He added that this original permit was approved in October of 2006, there was a modification that was approved in July of 2008 and the Board worked with staff on additional modifications to the site plan that was approved administratively in 2009. He stated that since the permit was approved in 2006, it was approved under the old zoning ordinance. The current zoning ordinance allows citizens to apply for the B-1 zoning district. All of the uses of the old zoning ordinance are also included in the new version and the table of permitted uses is the same for the B-1 zoning district. He added that for those that are interested, once the public hearing is completed the item will go before the Planning Board at their October meeting for input and then return to the Board of Commissioners for a final vote. He stated that there is no request for site modifications.

Chair Kost asked if the list of uses under the B-1 zoning district provided to the Board included all of the allowed uses. Mr. Sullivan stated that not all uses were included in the handout.

Chair Kost administered the oath to those in attendance who wished to make public comments.

Comments submitted by Jack Smyre, Planner and Principal from The Design Response, as follows:

“Good evening.

My name is Jack Smyre and I am both a nationally certified planner and a North Carolina registered professional engineer, and I am also the Principal of The Design Response, a planning firm located in Cary, NC.

Our planning firm has been retained by the owner and developer of Polks Village, HBP Properties, and Mr. Brantley Powell, the principal of that firm, is in attendance tonight and available if needed.

Mr. Sullivan has briefed you on the history of Polks Village and the general nature of our Conditional Use Permit amendment request, so I will not repeat that information, except to confirm that this amendment proposes no changes to the site plan as approved by this board and County staff, but focuses only on what is occurring within the buildings that comprise the mixed use campus known as Polks Village.

This request has actually been precipitated by a few recent instances wherein potential tenants have expressed interest in committing to Polks Village, only to learn that their specific use is not among the approved uses for Polks Village.

The single most notable example, which you will no doubt hear more about from others later in the Public Hearing, was contact from a representative for UNC Health Care, who was expressing an interest in locating a medical office on the Polks Village campus.

Mr. Brantley Powell, the landowner and current developer of Polks Village through his entity HBP Properties, was encouraging in his response to the proposed arrangement, which involved providing a privately-owned build-to-suit building and a subsequent leasing arrangement with UNC Health Care.

However, that encouragement that he offered was relying upon language within the original Conditional Use Permit application materials for what was then called "Polks Centre" that called for flexibility in land uses and was also relying on the specific approved use of "Office – business, professional, and governmental", Mr. Powell believing that medical offices would therefore fall under that approved use as a "professional office".

In addition, Mr. Powell indicated that he had relied upon the third party developer that was managing the original Conditional Use Permit applications for both Williams Corner across US 15-501 and "Polks Centre" (now "Polks Village") as to the nature of the approved uses and had subsequently relied upon the third party developer's interpretation and representation as to what uses would be allowable in Polks Village.

However, representatives for UNC Health Care soon learned, when discussing this potential transaction with Chatham County staff as part of their due diligence activities, that their particular use was not classified as an "Office – business, professional, and governmental use," and thus was not an approved use for Polks Village.

The reasoning for this determination by County staff was that among the total of 79 uses that the Ordinance allows within a General B-1 zoning district, another more specific use is listed: "Medical clinics – inpatient and outpatient care".

And, because this larger list of General B-1 zoning district uses constitutes the menu from which the Polks Village Conditional Use Permit established the more limited subset of uses to be allowed for Polks Village, the fact that the more specific use ("medical clinics") was not currently included amongst the permissible land uses in the project's Conditional Use Permit meant that "medical clinics" was not an allowed use for this project, and that therefore UNC Health Care could not be located within Polks Village.

Now, while the precipitating event was certainly UNC Health Care and the determination that it was not an approved use for Polks Village, our firm was also retained to assist Mr. Powell in sorting through the differences between his former perceptions of what uses were already allowed at Polks Village and the newly discovered zoning reality that once a more specific version of a use is also named on the list of potential uses, it negates being captured within a more general use category.

And, indeed, upon a close examination of the 79 uses approved for a General B-1 zoning district and further conversations with Chatham County staff there did appear to be a major



mismatch between the nature of the specialized potential tenants that were routinely making inquiries about opportunities within Polks Village, versus the reality of the County's specific application of the approved list of 22 uses included within the Conditional Use Permit for Polks Village.

Therefore, as a remedy for this discovered mismatch between current zoning approval and market realities, the requested amendment to the Polks Village Conditional Use Permit would add 30 additional uses to the currently approved 22 uses, for a new total of 52 approved uses selected from the maximum of 79 uses that are available in the General B-1 zoning district.

This would represent an increase from the current status of having just over a quarter of the allowed uses within a General B-1 zoning district approved for Polks Village to now having approximately two-thirds of the allowed uses within a General B-1 zoning district approved for Polks Village.

The uses within Polks Village would still be restricted by the amended Conditional Use Permit, and we have provided a separate list of the 27 uses, approximately one-third of the total available uses for a General B-1 zoning district, that will continue to not be permitted within Polks Village.

However, combining the already approved uses with those now requested to be added, together will represent a reasonable menu of potential uses for a mixed-use campus such as Polks Village, allowing it to not only emerge, but also continue to successfully evolve through the economic life of its buildings and supporting infrastructure.

For as professional planners and governing bodies, we are jointly not only reacting to current economic realities and probing for the means as to how investments in Chatham County can be properly nurtured today, but we are also interested in planning for their success and their proper place within the built environment for future decades.

As we mentioned earlier, we expect to hear some testimony from a representative for Williams Corner that since the "medical clinics" use was originally listed only for their development, and not for Polks Village, that they should somehow retain exclusive rights to that use in this immediate location.

However, we would simply offer the broader planning counter argument that with the growth of health care as an industry, with the sheer number of medical specialty fields we see emerging and being added to the more traditional pediatric, cardiac, and radiologist type of specialty fields to which we are already accustomed, how could it not be a good idea to provide as many opportunities as possible for such medical practices to find a place in Chatham County in which to locate?

And, we would argue that with the nurturing environment of a mixed-use campus that offers stand-alone buildings in a campus setting, conveniently located adjacent to a neighborhood and yet also properly situated alongside a major transit corridor, Polks Village offers an especially desirable location for such medical practices to establish themselves and experience long-term success.

Moreover, with the smaller overall development project that is Polks Village, there is less of a barrier involving initial infrastructure needed to support the first phase of development, thereby maximizing the chances of seeing investments made sooner instead of later.

We believe we could make a similar argument for each of the 30 additional uses being requested within the amendment to the Conditional Use Permit, but have focused on this one "medical clinic" use since we know there is "agreement to disagree" with this particular party regarding this single unique use.

We would also share with you that of Williams Corner's 25 approved uses within the B-1 portion of their project, Polks Village already shares 18 of those approved 25 uses, so the current differences between the two projects are only 7 uses, broken into two general use categories.

The first general use category is medical uses, including the “medical clinic” use we have discussed, but also including additional specific uses such as “opticians”, “veterinarians”, and “laboratories” (such as dental and optical labs), and “hospitals” (which Polks Village does not seek to include as a use due to its smaller project size).

The second general use category is referred to within the Williams Corner application as “specialized foods”, including not only “food store” as an approved specific use, but also “bakeries”.

However, other than those 7 uses in those two general use categories, medical and specialized foods, the two projects are already identical from a list of approved uses standpoint.

Furthermore, our contention is that while the marketing efforts of the original third-party developer that was controlling both projects at the time of their approvals may have had some undefined goal in dividing some of the uses between the two projects, they are not apparent to the current developer of Polks Village (who is also the land owner) and who is now on his own time table of development, separate and apart from Williams Corner.

Nor can we see any benefit for Chatham County or its citizens in restricting medical uses and food retail opportunities to only one side of US Highway 15-501.

Instead, we believe that the best planning result for the citizens of Chatham County is to make sure that the County’s mixed use centers, once carefully located and geometrically arranged to the County’s satisfaction, can succeed, thereby bringing needed goods, services, and jobs to locations that are proximate to existing neighborhoods and adjacent to existing transit corridors.

The select list of uses that HBP Properties is requesting to be added by amendment of the Polks Village Conditional Use Permit will help to achieve this desirable end result.”

Commissioner Lucier noted that on the list of uses includes amusement enterprises, which would be a facility such as a water park. Mr. Smyre responded that this type of facility needs to be entirely enclosed. Mr. Smyre added that the amusement enterprises component is geared more toward a bowling alley, skating rink, or more of a traditional use than the ones listed on the form.

Commissioner Lucier stated that he would have to think about the amusement enterprise use and is also not sure if the development layout is conducive to a daycare center. Mr. Smyre responded that a daycare is easy to accommodate.

Commissioner Lucier stated that there have been issues with construction trailers, not related to the Polks Village project, and that he will be very explicit with timeframes and subsequent uses of these. Mr. Sullivan stated he and the County Attorney had worked on this issue. Mr. Smyre stated that they are very receptive to this restriction. Commissioner Lucier stated that a timeline and explicit uses need to be established for the construction trailer.

Chair Kost stated that with regards to the veterinary clinics and hospitals with dog runs, with the approval of the project there were concerns with neighbors and also a need for this service has to be identified. She asked if anyone had the figures for how many veterinary clinics are located on US 15-50.

Commissioner Vanderbeck responded that there are at least three including the one that is being built now.

Chair Kost added that this particular issue needs to be addressed further due to the concerns with the sites, neighbors and also demonstrating a need for the addition of another veterinary clinic.

Mr. Smyre responded that as a planner he has to think of more than just the immediate situation and think ahead 40-50 years from now. He added that he has to plan for movement in the market and is trying to give the development as much flexibility as possible. With regards to the outside dog run, he stated that they met with the Board of Directors of the neighborhood before filing an application and did not hear an objection. He stated that the development will accept a restriction on this use if it causes concern.

Chair Kost stated that she understands the idea behind planning for the future, but added that the uses on this permit can be amended again.

Commissioner Vanderbeck asked that if the amusement enterprise could possibly be a betting parlor or an arcade.

Mr. Smyre stated that that is not what they are trying to do and would accept the restriction if the county saw it fit. He added that if there was a way to amend the language in the ordinance as part of the amendment for the permit, they would not have a problem with it.

Commissioner Vanderbeck asked for clarification on the use of the retail part of this permit dealing with cabinets. He wants to know if the intent is to manufacture cabinets or to have a showroom for display. He needs to have this information before he can make a decision.

Mr. Smyre replied that he believed the intention was to have a showroom of cabinets not involving manufacturing. He added that they are open to restricting the uses even further if needed.

Chair Kost added that clarification is needed on whether the intent is to have a kitchen gallery or if there is another use in the list of the B-1 zoning uses that would be more appropriate for this.

Commissioner Vanderbeck stated that with regards to the food stores, there are plenty of them already.

Mr. Smyre responded that they are looking at organic and specialty food stores not the large anchor grocery store.

Commissioner Vanderbeck stated that this may be an infrastructure challenge in the future with regards to water usage and he was not sure if these uses were addressed in the base plan. He also asked if the incidental storage of goods intended for retail sales was a warehouse type of operation or if it could lead to that. If any type of medical use is approved, there could be some potential issues with waste disposal. He asked if laboratory services would include research.

Mr. Sullivan responded that there could possibly be some level of research.

Commissioner Vanderbeck stated that this may raise other issues.

Chair Kost stated that a medical office should have a type of laboratory that would be able to handle the issue with medical waste disposal.

Commissioner Vanderbeck responded that it could be a cluster service with the clinic. He stated that with dry cleaning services, testing of wells is involved to check for chemicals in the water. Mr. Smyre responded that the intent is to have a pick location only and the process of dry cleaning would be done elsewhere.

Commissioner Vanderbeck asked for clarification on the storage of chemicals, fertilizers and pesticides in lawn and garden shops. He asked for clarification on whether or not this storage would be covered. With regards to leather goods, he did not expect any tanning on site. He also asked if there were any concerns with waste disposal with the paint retail shops and also with the camera shops, printing shops and photo studios. With the radio/television repair shops, he would like to know how waste would be disposed of. He also asked staff about the use that states "uses and structures customarily accessory to any permanent use." He stated that with this, it seems

like you can take all uses including the ones previously approved and have multiple variations based on this one condition.

Mr. Sullivan clarified that this use has been in the ordinance historically and is used to blanket uses that you would typically file with the permitted use. An example of this would be a Kerr Drug store with a photo processing center. He added that this is more for internal uses and not structural. He stated that the developers would not be able to add an accessory building without coming back to the Board with an amendment to the site plan.

Mr. Smyre stated a pharmacy/photo shop is a good example of this because on one end the store can process photos and then have a flu clinic on the opposite corner at certain times. He stated that these are customary accessory uses.

Jim Elza, Planning Board Chair, stated that there is an existing site plan and now there is a request for a food store, which can generate traffic and require parking. He asked that if they are allowed to have a food store, would they be back to change their site plan. He added that even an amusement type of facility may require a change to the site plan. He stated that it seems like the uses and the site plan do not match.

Mr. Smyre responded that he cannot say that they will never change the site plan. He added that the site plan was modified through two previous actions. He stated that in Mr. Powell's mind most of these uses were already approved because of the general professional offices category that he was relying on. He added that this was refinement to the vision that was always there and will not necessarily dictate a geometric change in the site plan.

Karen Kemerait, Attorney from the Law Office of Styers and Kemerait present on behalf of Williams Corner, stated that Williams Corner and Polks Village have had a very good working relationship over the years. She stated that Williams Corner, Polks Village and the county want to see Polks Village be a successful development. Williams Corner has a particular interest in the request being made by Polks Village due to the close proximity of each other. She stated that both projects have been working together for many years and are complimentary to one another. She added that while they support Polks Village development and success, there is a concern that their request is going to be advantageous to them and not beneficial to Williams Corner or to general planning principles for the county as a whole. The request is changing the entire premise of the plans for Polks Village and Williams Corner that have been in place since 2005 and then approved in 2006. The understanding was that both developments would be very different developments so that there would be no overlapping uses. There was an agreement and discussion about the anchor tenants so that there was no competition and overlap of uses. Ms. Kemerait stated she attended a meeting with Mr. Powell to try to understand the request, discuss the two main sources of disagreement and to try to find a solution. Unfortunately, a resolution was not reached and Ms. Kemerait was present at this hearing to make sure that the Board of Commissioners and Planning Board understand the concerns. Ms. Kemerait explained that the request to add uses to the conditional use permit is very contrary to the representations that were made to the Commissioners and the Planning staff in 2006. She added that everyone was aware in 2006 that these two developments were not to be competing against each other. She stated that Mr. Powell had not shown the need and desirability pursuant to Sections 17.1 and 17.4 of the Chatham County ordinance. When the permit was approved in 2006, it was determined that there was no need for the uses now being requested. She stated that she believes that there is no need today for those uses at Polks Village. Williams Corner has also been actively working with the same provider at UNC that was mentioned by Polks Village. Williams Corner has been negotiating with UNC for many years on having a large medical provider office as their anchor tenant along with individual community practitioners that can support the larger medical provider office. It is very important that both developments succeed and changing the uses, will result in direct competition between both developments. She added that Williams Corner has invested about 1.3 million dollars since purchasing the land based on the plans that have been in place up until this application was filed and based upon the tenants that would be housed in their development as well as the tenants housed in the development across the street. She understands that Dianne Reid supported a letter in support of this application. Ms. Kemerait stated that in addition to the duplication of uses, there are other issues that have not yet been addressed. One of these issues is traffic, which is a main concern of the Homeowners Association. When the uses

for a development are changed, the amount of traffic is changed and it is not clear how this area will be affected. Another concern is the supply of water allocated by the county. The change in uses will cause a change in water needed which raises the questions- How will these uses affect the water usage? Is there available water? Should it be allocated to this development? Ms. Kemerait explained that another concern is waste water disposal. Currently, there is a septic system in place and it is questionable as to if it can accommodate the requested uses for a medical office, veterinary office and a store.

Commissioner Vanderbeck asked if Williams Corner still had its "MPDS" permit up-to-date and if they intended on keeping it up-to-date.

Ms. Kemerait responded that Williams Corner has all of its permits and they will be ready to go as soon as they obtain that one large anchor tenant.

Commissioner Vanderbeck wanted to know how the traffic signalization was being addressed. Ms. Kemerait stated that an initial joint impact traffic study was done, but nothing else has been done since.

Commissioner Lucier recalled that there were issues with a turning lane and traffic signals with both developments that were substantial with the Department of Transportation (DOT). He asked if these issues had been resolved.

Chair Kost administered the oath to Luis Rios.

Mr. Rios stated that with regards to the traffic issues, they have gone through an extensive process in getting the coordination of the traffic signals for both projects. This requires a traffic study and two studies have been done so far. Traffic issues have been addressed by Chatham County and DOT. The civil engineer has completed a design and they are ready for construction. In the event that the uses in Polk's Village change, this process will have to start all over again to account for the changes in traffic. This would entail going through another traffic study and also getting approval from DOT and Chatham County.

Chair Kost asked if the traffic analysis would necessarily need to be redone.

Mr. Sullivan responded that they would have to check with DOT to see what the requirements would be.

Angela Birchett, Land Use/Zoning Administrator, stated that the uses were sorted out in the traffic report and in the study as well.

Commissioner Lucier stated that Ms. Kemerait referred to minutes from previous Board of Commissioner meetings, dating back to 2005-2006. He stated that he would like to have those minutes at hand to see what was discussed for both developments at that time. He asked if the Planning Board would also like to have copies of these minutes for review.

Mr. Elza agreed with Commissioner Lucier about having copies of the meeting minutes as a reference.

Chair Kost clarified that the copies of the minutes requested are for both the Board of Commissioner meetings and the Planning Board meetings where Williams Corner and Polks Village have been discussed.

Ms. Kemerait added that she has not seen copies of the minutes. She relied on information from the Chatham County website. She also agreed that seeing the minutes along with supplemental information that Polks Village provided to the Commissioners after the Planning Board recommended denial.

Mr. Elza requested a copy of the traffic study, information on how the new table of uses will affect traffic and if a new traffic study will be necessary if the request is approved.

Chair Kost agreed that this information is needed and asked if additional information is needed with the evidence.

Jep Rose, County Attorney, clarified that the minutes are public record and the hearing would not have to be continued in order to obtain copies of these. With the request for the additional information that is not part of the county records, such as the traffic study, the public hearing would have to remain open.

Commissioner Lucier asked if this still applies even if the requested information is currently available.

Mr. Rose responded that the information in question has not been seen by this Board at this time.

Mr. Sullivan asked Mr. Elza to clarify if he was interested in looking at whether or not the new uses would impact the current traffic study.

Mr. Elza responded that he understands that two studies have been done. He asked if the applicant has copies that can be provided to the Board and also asked if the applicant can offer any information on how the uses could impact traffic.

Mr. Rose stated that if both parties agree, the Board can consider this information outside of the public hearing. This would allow the hearing to be closed.

Chair Kost asked the applicant and the attorney representing Williams Corner if they would agree to this. She stated that the other option is to leave the public hearing open and continue it at the October 18<sup>th</sup> meeting.

Mr. Smyre agreed to the closing of the public hearing and providing the requested information to the Board.

Ms. Kemerait stated that she had no objection to this.

Mr. Rose asked if the traffic studies were already completed and if this was the only information requested.

Chair Kost responded that he was correct and added that the Board needs to have the study to get a better idea of everything involved with this request.

Mr. Rose asked if Polks Village had any questions for Williams Corner.

Mr. Smyre stated they do have two traffic studies and they will provide copies to the staff to be incorporated to the record. He added that when they are expanding the range of uses from 22 to 52, they are increasing the square footage of the project. He stated that instead of a flower shop, they may have a music store. He added that both uses are traffic generators. The requested uses are substitutes for already approved uses and none of the requested uses will create more traffic. The range of possible tenants that might be located in Polks Village is changing with this action to be broader with these added uses. He stated that in looking at the uses on the request, they are very similar to already approved uses and the only one that could generate more traffic would be the food store. He offered to get a letter of opinion from the traffic consultant, but was not sure if this would be helpful with the closing of the public hearing.

Chair Kost replied that this was not necessary because the Board can ask staff to consult with DOT.

Mr. Sullivan asked if Mr. Smyre could consult with DOT and get an opinion from Reuben Blakley. He added that this would be new information and he was not sure if this would cause a conflict. He stated that it would be helpful to have an opinion from DOT after they have reviewed the traffic study.



Chair Kost stated that given the situation, the public hearing will remain open so that an opinion from DOT may be obtained.

Commissioner Vanderbeck asked Mr. Smyre if they had received letters from the adjacent property owners in support of the new uses. He also wanted to know if they have all been notified and if so, how they responded.

Mr. Rose responded that the property owners need to be present to testify.

Chair Kost stated that the Board received a letter from Dianne Reid, President of the Economic Development Corporation, in support of the expansion of the uses requested by Mr. Smyre. She stated that the hearing will be continued at the next Board meeting on October 18<sup>th</sup> so that staff may consult with DOT.

### **COMMISSIONERS' PRIORITIES**

#### **September 7, 2010 Regular Meeting Minutes:**

Chair Kost asked that no action be taken on these minutes. The discussion dealing with the Judicial Center on page 19 of the minutes is not clear on what the Board decided. The bid deduct was done for the entire floor. There was a section of this floor that the Board decided to treat separately. Chair Kost asked that this section to be more descriptive of the actions that were taken or that the sketch provided by the architect be included in the minutes.

The Board agreed to these revisions.

Commissioner Vanderbeck referenced the first donation from Carolina Meadows on page 22. The minutes mention the amount of the first installment, but it does not mention the total amount to which Carolina Meadows has committed and how often the installments will be made.

Commissioner Thompson referenced the section addressing the Local Food Campaign on page 26. He stated that he needs to restructure his comments for his clarification.

Chair Kost asked if he would provide written comments to the Clerk for the revision of this section. Commissioner Thompson agreed to do this. Chair Kost asked that the minutes will be put back on the October 4<sup>th</sup> agenda for approval.

#### **Board of Commissioners' Goals Fiscal Year 2010-2011:**

Chair Kost stated that Commissioner Vanderbeck provide a few minor edits to the goals document.

Commissioner Vanderbeck asked for edits as follows:

- Under **Sustainability/Conservation**, Strategy #2, add “(financial)” after “as practical, to achieve energy”
- Under **Sustainability/Conservation**, Strategy #9, add “and waste reduction” after “greater focus on recycling,”
- Under **Personnel/Hiring/Staffing**, third paragraph in the notes section should read “During FY 2010, ~~staff has worked to increase~~ cross-training opportunities for staff **have been** increased as a way to utilize skills and provide **additional** opportunities. ~~It has also proven to be a way to shift staff to departments that are experiencing higher workloads due to the slow economy.~~ **It also allows staff to be shifted to departments that need additional help when workloads increase.**”
- Under **Human Services**, Strategy 3, provide a brief explanation of Executive Order 52

Commissioner Cross moved, seconded by Commissioner Lucier, to adopt the Board of Commissioners' Goals Fiscal Year 2010-2011 with edits as listed above. The motion carried five (5) to zero (0).

### **BUSINESS PARK FORCE MAIN CONSTRUCTION**

David Hughes, Public Works Director, stated that when the business park was first being developed, an arrangement was made with Ed Stone, of Chatham Investors, where Chatham County would provide waste water connection to his property as compensation for the easement for the roadway entrance. He stated that the time had come for Chatham to uphold their end of the arrangement. Staff did a formal bid process, developed plans and specifications, and advertised the project. Three contractors submitted a bid with the lowest being McArthur Construction Company from Lumberton at \$91,452. Staff recommend that the bid be approved and award the contract to McArthur Construction Company in the amount of \$91,452.

Commissioner Lucier asked if this amount was less than what staff thought it would cost to carry out this project.

Mr. Hughes responded that they had an original estimate from Sanford Contractors that was done about a year and half ago for about \$200,000, which included the pump station. He added that the pump station is fairly small and insular. The majority of the cost was coming from the pipeline and construction.

Commissioner Lucier moved, seconded by Commissioner Cross, to approve and award a construction contract in the amount of \$91,452.99 to McArthur Construction Company for construction of the Business Park force main and, upon review by the County Attorney, to authorize Charlie Horne, Chatham County Manager, to sign the contract on behalf of the County. The motion carried five (5) to zero (0).

### **PURCHASE OF MAPLE LEAF CONSTRUCTION LOTS**

Mr. Hughes stated that as part of this process staff sought funding from the United States Department of Agriculture (USDA). The State Historic Preservation Office reviewed the project and they determined that the houses must be moved and retained in the historic district. Staff did extensive canvassing of available lots in the historic district and these three lots, owned by Maple Leaf Construction, were the only ones identified for purchase. He added that the State Historic Preservation Office has dictated that the houses need to be moved to a historic district and set on foundations. Mr. Hughes stated that this office has added additional requirements in the last couple of days for the moving of the houses and staff will need to investigate a little further. He stated that these lots appear to be the only available lots on the market.

Chair Kost stated that money was budgeted for this purpose. She added that a Commissioner could meet with staff and the Historic Preservation Office if needed.

Commissioner Lucier asked if the lots were continuous. Mr. Hughes responded that all lots are next to each other and located across from Southern States.

Mr. Hughes added that these lots are only two blocks away from the current location of the houses and only two or three utility lines would have to be moved. He stated that from the County standpoint, these lots are on an ideal location. The cost of moving the utility lines will be significantly less due to the close proximity.

Commissioner Thompson moved, seconded by Commissioner Vanderbeck, to approve the purchase of land owned by Maple Leaf Construction in the amount of \$120,000.00 for the purpose of placing the historic homes that are being moved due to the construction of the new judicial facility and to authorize Charlie Horne, Chatham County Manager to sign the agreement on behalf of the County. The motion carried five (5) to zero (0).

### **MANAGER' S REPORTS**

The County Manager had no reports.

### **COMMISSIONERS' REPORTS**

#### **Political Signs:**

Commissioner Thompson stated that he received a phone call from a staff member about one of his political signs that was illegally placed. He stated that as a County Commissioner, he has to abide by the rules and regulations. He stated that he has noticed several violations where signs should be placed 30 feet from the centerline and they are not. He added that the signs that are in violation in his area have been there for over a week and no action has been taken to correct this. He stated that in other areas, signs have been in violation for weeks or longer. There may be confusion and contention in staff as to how the violations are addressed. He stated that there have been some accusations of partiality. He asked for feedback from the Board on how to proceed.

Commissioner Lucier stated that he has received calls about some of his signs that are in violation. When he goes out to move them, he finds that there are other signs in violation as well. He stated that in these cases, it was clear that there was selective enforcement.

Chair Kost asked about how much time a person has, after receiving a phone call from staff, to move a sign in violation.

Commissioner Thompson asked if everyone with a sign in violation of the ordinance is being called.

Mr. Sullivan stated that in response to Commissioner Thompson's question, everyone who has a sign that is in violation is either contacted by phone or by e-mail. There is a wide range of candidates from federal office to the county level. With regards to the signs in violation that have not been picked up, Mr. Sullivan explained that staff suspended enforcement for about a year while the sign ordinance was being revised. Enforcement was resumed in June of 2010. He added that when Tony Wilson, Land Use Enforcement Officer, went looking for these signs he ended up with four truckloads within the week. He stated that with the suspension of enforcement things got out of hand with signs. Typically, staff goes out to pick up the signs in violation and they are stored at the landfill for thirty days. The owner is asked to pick up the sign(s) and also informed of the new regulations in the zoned part of the county. Staff does not drive down every road in the county. If a staff member notices signs in violation while out on an investigation, he or she will make a note of the location and inform Mr. Wilson. Mr. Sullivan stated everyone that is running for local office has been contacted. Candidates received a grace period to be able to go out and remove signs. Staff will be going out this week to start removing the signs in the right-of-way. One of the issues the department is facing is availability of staff to go out and remove the signs.

Chair Kost stated that she understands that this is a big county encompassing over a thousand miles and that when enforcement was suspended the problem got out of hand. She asked if there was a way to reallocate resources to do a sweep to get caught up. She explained that there is the perception that enforcement is not uniformly.

Mr. Horne stated that staff can take a look at this.

Mr. Sullivan stated that staff has discussed schedules and decided to use two trucks to go out in the field to take pictures of the signs in violation for documentation and place the signs in the back of the trucks. Staff would then contact the owners. He added that the intention is to do everything at once, but it does not mean that staff will be able to get to every road. He strongly encouraged everyone to call staff to report signs in violation and staff will go out to pick them up.

Chair Kost stated that this may help take care of the perception that people have over enforcement. She also agrees that documentation is important so that staff know what signs were in violation and why.

Mr. Sullivan stated that another issue staff is facing is that there are different requirements in the zoned part of the county as opposed to the part that is unzoned. Signs, such as those from charitable and religious organizations, are allowed to be off-premise in the zoned part of the county. With political signs, there is no issue as long as they are on private property. The off-premise sign ordinance governs in the unzoned part of the county. This ordinance includes the provision that states that signs in the right-of-way have to be government issued, but there are no requirements for the off-premise portion of the ordinance other than citizens being able to have off-premise signs on their property for any reason. In this case, signs are not limited to charitable, religious and other types of organizations. There may still be some perceived inequity in enforcement, but this may be caused by the difference in the regulations.

Chair Kost asked if the changes that were made to the temporary sign ordinance can be made to the off-premise sign ordinance as well.

Mr. Sullivan stated that the change can be made so that both ordinances match, but there is a question as to whether or not the county is considering countywide zoning in the future.

Chair Kost stated that this would be a much longer process. She added that something just feels wrong when the same problem is treated differently in different parts of the county.

Mr. Sullivan stated that another distinction in the ordinance for the unzoned part of the county is that not only are there different provisions for allowing signs on private property, but there is no time limit. In the zoned part of the county, signs can be posted two weeks prior to the event and need to be removed two days after.

Chair Kost asked that if staff decides to do a big sweep that they work with Debra Henzey, Community Relations Director, so that she can inform the public. She also suggested reminding residents, in the zoned part of the county, of the requirements in the temporary sign ordinance.

Mr. Sullivan stated that staff planned on picking up signs tomorrow, but they may hold off for a couple of days if they cannot get the two trucks that are needed. Staff will work with Ms. Henzey on preparing a press release before staff begins the sweep.

#### **Community Transportation Event:**

Commissioner Vanderbeck stated that he attended the Accessible Coalition Event provided by Easter Seals Project Action last Wednesday and Thursday. He stated that the event was to discuss a grant to develop community transportation and includes technical assistance for one year. There will be more information on this at a later date.

Chair Kost stated that GlaxoSmithKline sponsored Orange Day last week, which involves cleaning up around Jordan Lake. She will be sending a thank you note on behalf of the Board.

#### **ADJOURNMENT**

Commissioner Thompson moved, seconded by Commissioner Vanderbeck, to adjourn the meeting. The motion carried five (5) to zero (0), and the meeting was adjourned at 9:41 PM.

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Sally Kost, Chair

ATTEST:

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