



# Chatham County, NC

## Meeting Minutes

### Board of Commissioners

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Monday, August 15, 2016

6:00 PM

Chatham Central High School Auditorium

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#### Work Session - 2:00 PM - Chatham Central High School Auditorium

**Present:** 5 - Chairman Jim Crawford, Vice Chair Diana Hales, Commissioner Mike Cross, Commissioner Karen Howard and Commissioner Walter Petty

#### **PUBLIC INPUT SESSION**

*No one signed up to speak.*

#### **BOARD PRIORITIES**

##### 16-1814

Presentation by Jennie Kristiansen, DSS Director on Community Child Protection Team (CCPT) Annual Report

**Attachments:** [CCPT Annual Report 2016](#)  
[Powrpoint Presentation CCPT Annual Report 2016](#)

*Jennie Kristiansen, Director of Social Services, gave a PowerPoint Presentation to the Board. (Presentation attached)*

*Keyley Taber, Managing Assistant District Attorney for Chatham County, was also present to support Ms. Kristiansen.*

*Vice Chair Hales asked about opioid use. Ms. Taber stated youth do have opioid addictions and they often end up in the criminal justice system.*

*Ms. Kristiansen stated the statistics in the presentation are based on the cases reviewed by the team, not a summary of all the cases in the county.*

*Ms. Taber stated most of her child victims are not able to pay for good mental health services. She believes children's mental health in the county can be improved.*

**This Agenda Item was received and filed**

##### 16-1811

Vote on a request to accept the StormReady Certification for Chatham County

*Nick Petro, Warning Coordination Meteorologist with the National Weather Service, presented the StormReady Certification to the Janet Scott, Director of Emergency*

*Operations.*

**A motion was made by Commissioner Petty, seconded by Commissioner Howard, to accept the StormReady Certification. The motion carried by the following vote:**

**Aye:** 5 - Chairman Crawford, Vice Chair Hales, Commissioner Cross, Commissioner Howard and Commissioner Petty

### [16-1819](#)

#### FY 2016-2017 Budget Critique

**Attachments:** [BudgetCalendar](#)  
[Heads Up](#)  
[All trends](#)  
[Financial Indicators](#)  
[Presentation on Progress on Current Year Goals](#)

*Lisa West, Budget Analyst, addressed the Board.*

*Ms. West asked for feedback about the retreat. Commissioner Howard stated she liked the format of the retreat.*

*Vice Chair Hales stated she liked the survey and she appreciates the Heads Up document. She does feel like it was an awful lot of information. Commissioner Howard suggested the Board may not need to go through all of the trends every year. Commissioner Petty appreciated all of the information and felt it was a good budget year. Chairman Crawford stated he likes the trends. He also liked having a facilitator.*

*Vice Chair Hales stated it might be a good idea to look at mental health this year at the retreat.*

*Ms. West asked if the Recommended Budget and CIP documents were effective. Chairman Crawford stated he believes the Board is pleased with the documents.*

*Ms. West asked if there were any comments on the budget calendar process. The Board agreed it is happy with the process.*

### [16-1786](#)

#### Vote on Proposed Legislative Goals to Submit to the NC Association of County Commissioners

**Attachments:** [POSSIBLE LEGISLATIVE GOALS FOR SUBMISSION FINAL.pdf](#)

*Debra Henzey, Community Relations Director, addressed the Board. She suggested the Board find five or six goals to submit.*

*Chairman Crawford stated he feels the Jordan Lake Rules, broadband and mental health services are good goals.*

*Commissioner Howard asked if any other counties have similar goals. Ms. Henzey stated most counties don't go through this formal process; however the Town of Cary and Durham County do have interest in Jordan Lake. There will also be other counties interested in rural broadband.*

*Commissioner Cross suggested submitting all the goals instead of picking just three.*

*The Board discussed sending all of the goals to the North Carolina Association of County Commissioners and sending the first three goals on the list to the local Legislative Delegation.*

**A motion was made by Commissioner Howard, seconded by Vice Chair Hales, to send all of the goals to the NCACC and send the first three goals to the local Legislative Delegation. The motion carried by the following vote:**

**Aye:** 5 - Chairman Crawford, Vice Chair Hales, Commissioner Cross, Commissioner Howard and Commissioner Petty

## **CLOSED SESSION**

[16-1817](#)

Closed Session to discuss matters relating to economic development, property acquisition, personnel and attorney/client privilege.

**A motion was made by Commissioner Howard, seconded by Vice Chair Hales, to approve going out of the Work Session and convening in Closed Session to discuss matters relating to economic development, personnel, property acquisition and attorney-client privilege. The motion carried by the following vote:**

**Aye:** 5 - Chairman Crawford, Vice Chair Hales, Commissioner Cross, Commissioner Howard and Commissioner Petty

## **ADJOURNMENT**

### **End of Work Session**

**Regular Session - 6:00 PM - Chatham Central High School Auditorium**

## **INVOCATION and PLEDGE OF ALLEGIANCE**

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

## **CALL TO ORDER**

*Chairman Crawford welcomed those in attendance and called the meeting to order at 6:05 PM.*

## **APPROVAL OF AGENDA and CONSENT AGENDA**

*Chairman Crawford stated Item 16-1760 will be removed from the agenda.*

*A Board discussion of changes to the Table of Permitted Uses will be added at the end of the agenda.*

**A motion was made by Vice Chair Hales, seconded by Commissioner Cross, that the Agenda and Consent Agenda be approved as amended. The motion carried by the following vote:**

**Aye:** 5 - Chairman Crawford, Vice Chair Hales, Commissioner Cross, Commissioner Howard and Commissioner Petty

[16-1809](#)

Vote on a request to approve the July 18, 2016 Work and Regular Session minutes.

**Attachments:** [Draft Minutes 07.18.2016.pdf](#)

**A motion was made by Vice Chair Hales, seconded by Commissioner Cross, that the Minutes be approved. The motion carried by the following vote:**

**Aye:** 5 - Chairman Crawford, Vice Chair Hales, Commissioner Cross, Commissioner Howard and Commissioner Petty

[16-1792](#)

Vote on a request to adopt the proposed Northeast High School Project Ordinance

**Attachments:** [Project Ordinance Northeast High School](#)

**A motion was made by Vice Chair Hales, seconded by Commissioner Cross, that this Ordinance, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:**

**Aye:** 5 - Chairman Crawford, Vice Chair Hales, Commissioner Cross, Commissioner Howard and Commissioner Petty

[16-1810](#)

Vote on a request to adopt the proposed Northeast Elementary School Project Ordinance

**Attachments:** [Project Ordinance Northeast Elementary School](#)

**A motion was made by Vice Chair Hales, seconded by Commissioner Cross, that this Ordinance, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:**

**Aye:** 5 - Chairman Crawford, Vice Chair Hales, Commissioner Cross, Commissioner Howard and Commissioner Petty

[16-1793](#)

Vote on a request to approve recommendations for grants to recreation agencies.

**A motion was made by Vice Chair Hales, seconded by Commissioner Cross, that this Agenda Item be approved. The motion carried by the following vote:**

**Aye:** 5 - Chairman Crawford, Vice Chair Hales, Commissioner Cross, Commissioner Howard and Commissioner Petty

[16-1815](#)

Vote on a request to approve an Interlocal Agreement with the Town of Goldston.

**Attachments:** [Goldston Mobile Home Ordinance and Interlocal Agreement.pdf](#)

**A motion was made by Vice Chair Hales, seconded by Commissioner Cross,**

that this Contract, attached hereto and by reference made a part hereof, be approved. The motion carried by the following vote:

**Aye:** 5 - Chairman Crawford, Vice Chair Hales, Commissioner Cross, Commissioner Howard and Commissioner Petty

[16-1823](#)

Vote on a request to approve the FirstHealth Amendment to the EMS Agreement

**Attachments:** [Signed 3rd FH Amendment](#)

**A motion was made by Vice Chair Hales, seconded by Commissioner Cross, that this Contract, attached hereto and by reference made a part hereof, be approved. The motion carried by the following vote:**

**Aye:** 5 - Chairman Crawford, Vice Chair Hales, Commissioner Cross, Commissioner Howard and Commissioner Petty

[16-1796](#)

Vote on a Request to Approve lowest bidder for Construction of Single Stream Recycling.

**Attachments:** [Chatham Recycling Station - Certified Bid Summary](#)

**A motion was made by Vice Chair Hales, seconded by Commissioner Cross, that this Agenda Item be approved. The motion carried by the following vote:**

**Aye:** 5 - Chairman Crawford, Vice Chair Hales, Commissioner Cross, Commissioner Howard and Commissioner Petty

[16-1798](#)

Vote on a request to approve a competitive bid exemption for the purchase of Taser products under N.C.G.S. 143-129(e)(6).

**Attachments:** [NCGS 143-129-e-6](#)  
[Sole Source Letter - NC-TASER](#)

**A motion was made by Vice Chair Hales, seconded by Commissioner Cross, that this Agenda Item be approved. The motion carried by the following vote:**

**Aye:** 5 - Chairman Crawford, Vice Chair Hales, Commissioner Cross, Commissioner Howard and Commissioner Petty

[16-1797](#)

Vote on a request to waive the competitive bid process, and award the piggyback bid for the purchase of one (1) new model VHD64B200 Volvo refuse truck for the Chatham County Solid Waste & Recycling Department from Advantage Truck Center in the amount of \$158,045.84.

**Attachments:** [BurkeCounty-BidTab-VolvoTruck](#)  
[BurkeCoSpec](#)  
[Burke County-2016 02 16 BOC Agenda Action Report](#)

**A motion was made by Vice Chair Hales, seconded by Commissioner Cross, that this Agenda Item be approved. The motion carried by the following vote:**

**Aye:** 5 - Chairman Crawford, Vice Chair Hales, Commissioner Cross, Commissioner Howard and Commissioner Petty

[16-1816](#)

Vote on a request to adopt a Resolution for the Rejection of Surplus Property Offered by the Board of Education.

**Attachments:** [rejection of BOE surplus property.doc](#)

**A motion was made by Vice Chair Hales, seconded by Commissioner Cross, that Resolution #2016-28 for the Rejection of Surplus Property Offered by the Board of Education, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:**

**Aye:** 5 - Chairman Crawford, Vice Chair Hales, Commissioner Cross, Commissioner Howard and Commissioner Petty

[16-1802](#)

Vote on a request to adopt a Resolution Proclaiming September 2016 as Senior Center Month.

**Attachments:** [SeniorCenterMonth2016.doc](#)

**A motion was made by Vice Chair Hales, seconded by Commissioner Cross, that Resolution #2016-29 Proclaiming September 2016 as Senior Center Month, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:**

**Aye:** 5 - Chairman Crawford, Vice Chair Hales, Commissioner Cross, Commissioner Howard and Commissioner Petty

[16-1824](#)

Vote on a request to adopt a Resolution Expressing Support for the Designation of the Week of September 11-17, 2016 as Arts in Education Week.

**Attachments:** [Arts in Education Week Resolution.doc](#)

**A motion was made by Vice Chair Hales, seconded by Commissioner Cross, that Resolution #2016-30 Expressing Support for the Designation of the Week of September 11-17, 2016 as Arts in Education Week, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:**

**Aye:** 5 - Chairman Crawford, Vice Chair Hales, Commissioner Cross, Commissioner Howard and Commissioner Petty

[16-1805](#)

Vote on a request to approve the Tax Releases and Refunds.

**Attachments:** [July 2016 Corrected Receipts Report](#)  
[July 2016 NCVTS Pending Refund Report](#)

**A motion was made by Vice Chair Hales, seconded by Commissioner Cross, that the Tax Releases and Refunds, attached hereto and by reference made a part hereof, be approved. The motion carried by the following vote:**

**Aye:** 5 - Chairman Crawford, Vice Chair Hales, Commissioner Cross, Commissioner Howard and Commissioner Petty

[16-1812](#)

Vote on a request to accept a total of \$60,000 from Duke Energy and amend the budget for the purchase of a boat and laptops for the Emergency Operations Center

**A motion was made by Vice Chair Hales, seconded by Commissioner Cross, that this Agenda Item be approved. The motion carried by the following vote:**

**Aye:** 5 - Chairman Crawford, Vice Chair Hales, Commissioner Cross, Commissioner Howard and Commissioner Petty

[16-1818](#)

Vote on a request to change the special meeting including the presentation of the Capital Improvements Program date from November 7, 2016 to November 14, 2016.

**A motion was made by Vice Chair Hales, seconded by Commissioner Cross, that this Agenda Item be approved. The motion carried by the following vote:**

**Aye:** 5 - Chairman Crawford, Vice Chair Hales, Commissioner Cross, Commissioner Howard and Commissioner Petty

### End of Consent Agenda

## PUBLIC HEARINGS

[16-1800](#)

A legislative public hearing request from the Chatham County Alcoholic Beverage Control Board for a Rezoning of Parcels No. 11503 being all of 1.57 acres and No. 11505 being all of 1.46 acres totally 3.03 acres, located at the corner of Moncure Pittsboro Rd. and the US 1 off ramp, from R-5 and R-1 Residential zoning to NB Neighborhood Business.

**Attachments:** [More Information from Planning Department Website](#)

*Angela Birchett, Zoning Administrator, reviewed the specifics of the request.*

*Patrick Bradshaw, attorney for the applicant, addressed the Board.*

*Walter Harris, Chairman of the ABC Board, addressed the Board.*

*The Chairman opened the public hearing.*

*No one signed up to speak.*

*The Chairman closed the public hearing.*

**This Agenda Item was referred to the Planning Board.**

[16-1801](#)

A quasi-judicial public hearing request from Robert Kapp for a Conditional Use Permit revision at American Self Storage located at 30 Mt. Gilead Church Rd., Parcel No. 17454, to remove three existing structures currently used for boat and RV storage to be replaced with two bi-level, climate controlled self-storage mini storage units.

**Attachments:**     [More Information from Planning Department Website](#)

*Angela Birchett reviewed the specifics of the request. Ms. Birchett showed on the map the buildings that are to be removed. She also showed the proposed site plan with the two bi-level, climate controlled self-storage buildings. When coming from the west headed east it will look like a one story building. When coming from the east headed west one will see the taller side of the buildings where the main access will be. Because this is a Conditional Use Permit revision they are not creating any more impervious surface. They went before the Appearance Commission which suggested some updating of the landscaping and the screening of the property. Mr. Kapp and Mr. Blakely are present for a presentation.*

*Taylor Blakley and Robert Kapp addressed the Board. They stated the proposal before the Board is removal of three structures and the installation of two new bi-level buildings. They are also installing a new fence system along Mt. Gilead Church Road and Hwy 64. The chain link fence will be removed and iron fence will be installed. They held a neighborhood meeting with surrounding property owners. The gentleman across Hwy 64 came as well as the people to the east that run the boat storage facility. One or two residential property owners also attended. One has some drainage issues and they told them they would work with them to try to resolve those issues. There is a stream going through the eastern part of the property and it is a buffered stream. The stream flows through one of the residential lots but they will work together on that issue.*

*Vice Chair Hales asked which way the stream is flowing. Mr. Kapp stated it flows under Highway 64. They are not changing the impervious area.*

*Vice Chair Hales asked about the buildings being bi-level. Mr. Kapp stated there is about a six feet change in elevation and it will be almost like a basement. There are not many external doors. It is internally accessed.*

*Vice Chair Hales asked about boat and RV storage. Mr. Kapp stated there would be very few spaces.*

*Vice Chair Hales asked how many RV and boat storage spaces they are removing. Mr. Kapp stated 52.*

*Commissioner Howard had a question about septic. Mr. Kapp stated the Appearance Commission was concerned what would happen when the trees were removed. The landscaping will be put back to the Appearance Commission's requirement or greater.*

*The Chairman opened the hearing.*

*No one signed up to speak.*

*The Chairman closed the hearing.*

**This Agenda Item was referred to the Planning Board.**

[16-1760](#)

Hold a public hearing to receive public comment on a proposed one-time incentive for a planned hotel in the Russet Run development of Pittsboro.



**Attachments:**     [Chatham County Incentive Policy](#)  
[Hotel Incentive Presentation Draft 8.5.16.pptx](#)

*This item was postponed.*

## **PUBLIC INPUT SESSION**

*Denise Dunn lives in Bear Creek. She asked the commissioners to pause zoning the unzoned parts of the county. She has heard the commissioners say they have been working on this for two years. The planning department told her the commissioners had been presented with other options that were turned down. She thought some community meetings would have been held. She has heard this is interim zoning but she does not see that. She asked the Board to wait until they see the Comprehensive Plan. If they have been working on it for two years why can't they wait six more months?*

*Mark Stinson believes in the option mentioned in the minority report. He believes a lot of people could get behind that option. They never said they were against zoning. They are against blanket zoning. People in his part of the county do not feel like they have been represented. This should not be a north Chatham or south Chatham issue. It should not be a political issue. It should be an issue to unite the county with options that work for everybody. He feels R1 would be appropriate where there is more density. If they had heard from the community they would not be getting this kind of resistance. This has probably been the most divisive thing he has seen in this county.*

*Jay Bakay held up guidelines for the Planning Department from the State of North Carolina. He held up guidelines for the commissioners to follow. He feels the commissioners are not following the guidelines. He does not support zoning.*

*Vickie Russell believes there are a lot of violations going on and she he wants to know why the commissioners are in a hurry. Why not let the people vote? If a commissioner has a personal interest in zoning they need to excuse themselves from the Board.*

*Laurie Bakay is not against zoning but there should be appropriate zoning in appropriate areas. She doesn't understand what the rush is. She wants to know why their opinions had no value. Companies will have a better opportunity to make money with the zoning.*

*Deborah Sparma moved here a year and a half ago. She loves the unzoned areas. She lives on three acres and she enjoys going to farms in her area. She believes no community input has been gathered in the last two years so how do people know their input will be considered with the comprehensive plan?*

*Marian Norton believes R1 is not fair to the businesses. It is not fair to people who work from home.*

*Bruce Davis lives on 16 acres with his wife. They support county-wide zoning. It will apply to their land and they support that change. Current agriculture land will not be affected. The businesses in these areas will continue to operate.*

*Peyton Holland thanked the Board for having the meeting in Chatham Central. He believes citizens feel like their voice doesn't matter. They want input into what their community looks like. Open Use Zoning is another option that would work. That*

would require them to get out and hear from the community. He always knew he could trust his neighbor growing up in Chatham County and he would like the Board to try to establish the trust back with the citizens.

Wesley Seawell believes the Planning Board is stacked to support zoning. People left angry after the last meeting. In the western part of the county they like their freedom. They want to the Board to meet them half way with open use zoning.

Cindy Dameron wants the commissioners to go back and read their oath of office. Where in the oath does it say I will do what I want and not what the majority has asked of me. The commissioners posted the minority report from the Planning Board but did not post the original recommendation from the Planning Board not to zone the unzoned areas of the county. She is disappointed in all the commissioners for ignoring the minority and pursuing their own agendas.

Martha Girolami supports zoning the whole county. Zoning will allow the county to keep out or limit land use practices that will harm the county's air and water quality, scenic beauty and property values. Zoning will protect from bad neighbors. She encourages the Board to do more than just zone the areas R1 and R5 but that is a start.

Walt Lewis requested to have his item moved to the September meeting.

Mary Blondy lives in northern Chatham County in an area that borders Army Corps of Engineer land. Her homeowners association is asking that there be a new category called Watershed Protection District.

Nick Robinson is an attorney representing General Shale, Inc. and General Shale Brick, Inc. The Planning Board unanimously agreed to approve a re-zoning process with no fee to the business owner and the same process that was previously used in 2009. He requests if the Board decides to vote for county-wide zoning to also adopt a motion to allow existing businesses re-zoning as recommended by the Planning Board.

Sharon Garbutt supports county-wide zoning. All the counties around Chatham are zoned. Chatham has become the target for heavy industrial businesses. She believes they should start holding community meetings immediately after passing zoning.

Carl Pasoreck moved to Chatham County in June from New Jersey where he saw a lot of poor planning. He cautioned the commissioners and does not believe R1 is a good zoning option.

## **BOARD PRIORITIES**

### **16-1713**

Vote on a request to approve Chatham County Board of Commissioners to apply R-1 and R-5 Residential zoning to approximately 388 square miles of the county that are currently unzoned.

**Attachments:** [More Information from Planning Department Website](#)  
[Zoning Unzoned Areas BOC 8-15-16](#)  
[Chatham County Planning Board Recommends Approval of the Countywide Zoning Initiative.pdf](#)  
[Minority Report1.pdf](#)

*Jason Sullivan, Planning Director, presented a PowerPoint presentation. (Presentation attached)*

*A member of the audience, Mr. Devito, asked how the county evaluates farm activity. What documentation would be required? Mr. Sullivan stated the bona fide farm exemption comes from the General Statute requirements. It is a statewide standard. The County can evaluate what a person says they are doing on their property and make a decision internally about whether or not it is a farm. There are also several documents that can be provided to substantiate whether or not a farm operation is occurring. Mr. Sullivan referenced Section Three of the Zoning Ordinance. They do not regulate farm animals through zoning.*

*Brian Bock, Planning Board Member, read the minority report. (Report attached). Mr. Bock asked the clerk to change 388 acres to 388 square miles in the minority report.*

*Dr. George Lucier, Chair of the Planning Board, presented the majority report. (Report attached)*

*Vice Chair Hales made a motion to apply R1 and R5 to 388 square miles in the county that are currently unzoned and apply R5 to the Army Corps land. Commissioner Howard seconded the motion.*

*Discussion followed.*

*Commissioner Petty stated he has lived here his whole life and has generational history here. He knows his neighbors. A lot of them are family. The Board heard from hundreds of people and he hasn't heard one issue that could not have been addressed with a compromise. He doesn't understand why they would vote for something so many people are against. People are not against zoning. They are not satisfied with the process that has been used to this point. He believes this zoning will hinder entrepreneurial development. He believes the Board should wait until the Comprehensive Land Use Plan is approved.*

*Vice Chair Hales stated there have been passionate speakers on the issue and some stated their property rights would be taken away and their property values would be affected. Those are false claims. Zoning is the primary land use planning tool available to local governments. Some are afraid farm operations will be jeopardized. That is also false. State law says local zoning regulations cannot be applied to agricultural activities. She stated all the counties surrounding Chatham County are zoned. What one does on their property impacts their neighbors and their rights to enjoy their property. Property rights are reciprocal. Chatham is vulnerable to every commercial or industrial use that is not going to be allowed in surrounding counties. Being unzoned is an economic liability.*

*Commissioner Cross would like to see the process slowed down and have community meetings.*

*Commissioner Howard believes that zoning is the best option. She supports the R1 and R5 recommendation.*

Commissioner Petty wants to know how long it would take to implement open use zoning if they don't continue with zoning all the unzoned areas of the county. Mr. Sullivan stated it would take a little over a year. Commissioner Petty asked how long it would take zoning the entire county to be effective. Mr. Sullivan stated it is effective upon adoption.

Chairman Crawford stated the Comprehensive Land Use Plan is the ultimate solution. He is happy with the turnout at this meeting and at many others. He feels the megasite is the most important reason for this zoning. He doesn't think anyone on the Board has anything to gain materially from zoning the county.

Mr. Bakay stated from the audience that the Board is supposed to have one representative from each district on the Planning Board. He stated this Board has not done that. Chairman Crawford stated they would have to ask Commissioner Petty why they don't have someone from his district. Commissioner Petty stated each commissioner had the opportunity to put someone on the Planning Board. Even though the people he chose were not from his district he knows they represented the district.

**A motion was made by Vice Chair Hales, seconded by Commissioner Howard, to adopt an Ordinance Amending the Zoning Ordinance to apply R1 and R5 to 388 square miles in the county that are currently unzoned and apply R5 to the Army Corps land.. The motion carried by the following vote:**

**Aye:** 3 - Chairman Crawford, Vice Chair Hales and Commissioner Howard

**No:** 2 - Commissioner Cross and Commissioner Petty

**A motion was made by Vice Chair Hales, seconded by Commissioner Howard, that Resolution #2016-31 Adopting a Consistency Statement for the Approval of Zoning in Unzoned Areas of the County, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:**

**Aye:** 5 - Chairman Crawford, Vice Chair Hales, Commissioner Cross, Commissioner Howard and Commissioner Petty

Chairman Crawford stated the process of re-zoning existing businesses is going to take some time. He believes there is consensus on the Board to follow the Planning Board's recommendation of grandfathering those businesses and that no fee be attached. Mr. Sullivan stated the Planning Board's recommendation is to look at the existing businesses, consider for the appropriate zoning, allow for the rezoning with no fee and follow the same process from 2009. He told the Board it can wait and reconsider this at a later date to give time to inventory the businesses. Staff can look at the inventory of businesses and bring it back to the Board to decide if it wants to move forward at that point.

Commissioner Petty asked if a business makes a request to be rezoned does it have to be approved by the Board of Commissioners or the Planning Board. Mr. Sullivan stated if an individual property owner wants to start the process then they will have to apply and pay the fee. It will go through a formal public hearing process. If Staff takes an inventory of the businesses and brings it back to the Board and it wants to continue with rezoning the properties there is no application or fee but they will have to go through a formal approval process. There will be a public hearing, notices will have to go to adjoining property owners then Planning Board review. Commissioner Petty asked if they would be done as a group or as individual businesses. Mr. Sullivan stated each individual business will be handled as a separate zoning but the Board can do the bulk of them as a group.

Commissioner Petty asked why the Board would not start the process tonight. Mr. Sullivan stated the Board may want to consider a couple of things. Staff is going to do the evaluation of the businesses and determine whether or not they are consistent. Occurring at the same time is the work on the Comprehensive Land Use Plan. If the Board starts the process and wants to offer all the businesses the option to rezone to match their use then there is going to be the expectation moving forward that the Board will approve it. The rezonings won't be completed by the time the Comprehensive Land Use Plan is adopted in April of 2017. The plan may have recommendations that are inconsistent with rezoning all these businesses to match the use.

Commissioner Petty stated the Board will in fact be choosing those businesses that will be allowed to rezone. Just because they make a request to be rezoned doesn't mean they will get rezoned. Mr. Sullivan stated that is correct. Commissioner Petty believes he understands this to mean those businesses that are non-conforming will be rezoned to where they are conforming. If the Board has to approve each one of them, that means some may not be approved at their request. Mr. Sullivan stated the final decision of any rezoning is left to the Board of Commissioners.

Chairman Crawford asked if the Board could deal with 3M, Martin Marietta and General Shale as individual cases. Mr. Sullivan stated if the Board wanted to deal with specific industries or properties staff can start that process.

There was consensus on the Board for staff to contact General Shale, 3M and Martin Marietta.

#### [16-1714](#)

Vote on a request to approve the Chatham County Board of Commissioners to repeal the Chatham County Lighting Ordinance. The purpose of this Ordinance is to provide outdoor lighting regulations for the unzoned portions of the County.

**Attachments:** [More Information from Planning Department Website](#)

Jason Sullivan, Planning Director, reviewed the specifics of the request.

**A motion was made by Commissioner Cross, seconded by Vice Chair Hales, that Ordinance Repealing the Lighting Ordinance, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:**

**Aye:** 5 - Chairman Crawford, Vice Chair Hales, Commissioner Cross, Commissioner Howard and Commissioner Petty

#### [16-1715](#)

Vote on a request to approve Chatham County Board of Commissioners to amend Sections 7.2, Definitions; 10.13, Table of Permitted Uses; and 17.8, Standards for Sexually Oriented Businesses (new section) to add standards for Sexually Oriented Businesses.

**Attachments:** [More Information from Planning Department Website](#)

Jason Sullivan, Planning Director reviewed the specifics of the request.

**A motion was made by Vice Chair Hales, seconded by Commissioner Howard, to adopt an Ordinance Amending the Zoning Ordinance, attached hereto and by reference made a part hereof, to include standards for Sexually Oriented**

**Businesses, as recommended by the Planning Board, with one revision to change Section 17.8(A)(a)(ii) to read “Residential zoning district or any residential land use including any open space established as part of the residential subdivision approval process.” The motion carried by the following vote:**

**Aye:** 5 - Chairman Crawford, Vice Chair Hales, Commissioner Cross, Commissioner Howard and Commissioner Petty

**A motion was made by Commissioner Howard, seconded by Commissioner Petty, that Resolution #2016-32 Adopting a Consistency Statement for the Approval of a Text Amendment to the Zoning Ordinance, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:**

**Aye:** 5 - Chairman Crawford, Vice Chair Hales, Commissioner Cross, Commissioner Howard and Commissioner Petty

[16-1624](#)

Vote on a request to approve Walt Lewis for The Extra Garage Self Storage Center IV, to consist of two structures for enclosed building storage facility for dry boat storage and RV storage, located off Beaver Creek Road, parcel #'s 88772 and 17696.

**Attachments:** [More information from the Planning Department website](#)

*The Board agreed to postpone the item until the September 19, 2016 Board of Commissioners meeting.*

[16-1723](#)

Vote on a request to approve Apex Nurseries, Inc. dba Winter Custom Yachts for a conditional use permit revision to change the care-taker/security living unit and add the use of landscaping and grading business and general and professional offices. Property location is 2271 Holland's Chapel Rd., Parcel No. 64272, located on approximately 11.54 acres.

**Attachments:** [More Information from Planning Department Website](#)

*Angela Birchett, Zoning Administrator, reviewed the specifics of the request.*

**A motion was made by Commissioner Cross, seconded by Commissioner Petty, that Resolution #2016-33 Approving a Conditional Use Permit Revision Request for Apex Nurseries dba Winter Custom Yachts, attached hereto and by reference made a part hereof, be adopted. The motion carried by the following vote:**

**Aye:** 5 - Chairman Crawford, Vice Chair Hales, Commissioner Cross, Commissioner Howard and Commissioner Petty

[16-1790](#)

Vote on a request to adopt the Revised Stormwater Ordinance to comply with Session Law 2015-246

**Attachments:** [Final Stormwater Ordinance Final Revision 07-18-2016](#)  
[Final Stormwater Ordinance redline Revision 07-18-2016](#)  
[SL 2015-246](#)

**A motion was made by Vice Chair Hales, seconded by Commissioner Cross, that this Ordinance be adopted. The motion carried by the following vote:**

**Aye:** 5 - Chairman Crawford, Vice Chair Hales, Commissioner Cross, Commissioner Howard and Commissioner Petty

[16-1856](#)

Discussion by the Chatham County Board of Commissioners to amend Section 10.13, Table of Permitted Uses, of the Zoning Ordinance to revise multiple uses in the Light and Heavy Industrial zoning district that are currently permitted by right to conditional use permits.

**A motion was made by Commissioner Howard, seconded by Vice Chair Hales, to set a public hearing for September 19, 2016 at 6:00 PM. The motion carried by the following vote:**

**Aye:** 5 - Chairman Crawford, Vice Chair Hales, Commissioner Cross, Commissioner Howard and Commissioner Petty

**MANAGER' S REPORTS**

*The Manager had no reports.*

**COMMISSIONERS' REPORTS**

*The Board agreed that Commissioner Howard will serve as the alternate to the MPO.*

**ADJOURNMENT**