



# Chatham County, NC

## Meeting Minutes

### Board of Commissioners

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Tuesday, January 19, 2016

6:00 PM

Historic Courthouse Courtroom

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#### Rollcall

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

#### Regular Session - 6:00 PM - Historic Courthouse Courtroom

#### 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 6:01PM.*

#### APPROVAL OF AGENDA and CONSENT AGENDA

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

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

#### [16-1567](#)

Vote on a request to approve the December 14, 2015 Work and Regular Session Minutes.

**Attachments:** [Draft Minutes 12.14.2015.pdf](#)

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

#### [16-1557](#)

Vote on appointment of Saranne Wilson to the Appearance Commission

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

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

[16-1553](#)

Vote on a request to approve re-appointments to the NC Fireman's Relief Fund Board of Trustees; Bennett Volunteer Fire Department, Bonlee Volunteer Fire Department, Silk Hope Volunteer Fire Department, Moncure Volunteer Fire Department, Pittsboro Fire & Rescue Department.

**Attachments:** [Commissioner's Appointment Requests-Firefighters Relief Fund 2016.pdf](#)

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

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

[16-1561](#)

Vote on Appointment of Vicki Newell to the Triangle South Workforce Development Board

**Attachments:** [TSWDB Board Nomination Form\\_WIOA Compliance\\_Vickie Newell.pdf](#)

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

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

[16-1554](#)

Vote on a request to purchase Musco Sport Lighting through the National Joint Powers (NJPA) cooperative purchasing contract for two athletic fields located at Briar Chapel and with a turnkey project cost of \$212,230

**Attachments:** [Dina-Neely-email](#)  
[Briar Chapel Quote](#)  
[NJPA Purchase recap-MuscoLighting](#)

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

[16-1558](#)

Vote on a request to approve a Resolution Proclaiming February 2016 as We Love Seniors Month.

**Attachments:** [WeLoveSeniorsMonth2016r](#)

**A motion was made by Commissioner Howard, seconded by Vice Chair Hales, that Resolution #2016-01 Proclaiming February 2016 as We Love Seniors 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

[16-1559](#)

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

**Attachments:** [December 2015](#)  
[December 2015](#)  
[November 2015](#)

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

[16-1560](#)

Vote on a request to approve the application for a \$24,500 Grant through the NC Governor's Crime Commission to Purchase a Fingerprint/Palm Print Identification System

**Attachments:** [CCSO Req for Grant Approval.01.19.15 BOC Mtg](#)

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

[16-1566](#)

Vote on a request to approve the Sheriff's Office Records Retention and Disposition Schedule.

**Attachments:** [Retention and Disposition Schedule](#)

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

[16-1571](#)

Vote on a request to approve Interlocal Agreement with Goldston.

**Attachments:** [Chatham County minutes.docx](#)  
[Interlocal Wastewater Agreement \(2\).doc](#)

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

**End of Consent Agenda**

**SPECIAL PRESENTATION**

[15-1526](#)

## Present Certificates of Extended Volunteer Committee Service with the Appearance Commission to Sue Schwartz and Ginny Gregory

*The Chairman presented the certificates to Sue Schwartz and Ginny Gregory. The three posed for pictures.*

**PUBLIC INPUT SESSION**

*Joe Glasson submitted the following comments:*

*Good Evening. To save everybody a little bit of time I think that you see the room is relatively filled tonight. A lot of people could have signed up and basically there are three or four of us that are going to speak on behalf of the Family Care Homes text amendment that we have so proposed. I would just like you to understand and acknowledge the fact that many people in this one support that text amendment on behalf of Chatham County and its residents. Could I please ask those people that support that text amendment to please stand and if you are standing could you please raise your hand. (The majority of the room stood to be recognized) The real interesting point about that is that you may think that this is from one area of the county. This is primarily from District One but there are a lot of other people throughout the county that also support this text amendment.*

*I'm here in support of our request for a text amendment regarding Family Care Homes. We are on the agenda later tonight, but let me offer a few quick comments.*

*The last time we talked with each other was back in August when we discussed the issue of implementing a radius of a half a mile for Family Care Homes so as to prevent the clustering of such services within a residential neighborhood. Without such a "protection" Family Care Home operators can and have concentrated their services within residential neighborhoods in other counties thereby forever changing the character of any and all neighborhoods they are allowed to "cluster" in. North Carolina statutes allow for a municipality to legislate such a protection, providing an opening for any local government body to determine what's best for them. That's good government and it allows you to hear the pros and cons of such a protection.*

*After that discussion in August and in your wisdom, you referred the proposed amendment to your Planning Board. In early October, your Planning Board heard the arguments for and against and had a solid and lively discussion. They so noted this was not just about senior care, but all disabilities under ADA. The Board, by a 7-3 vote, approved this amendment with a modification from a ½ mile radius to 1,125 feet. Later they voted 7-0, with 3 abstentions, with a Consistency Statement rider. Your Planning Board saw the necessity of such a buffer and was very interested to hear and see the number of towns and counties which have implemented such a protection. Virtually every surrounding town and county has approved such a protective separation. You will see that in depth later. For example, you will see that Durham, County and City, with four official governmental bodies (two separate Planning Boards, two separate Commissioner Boards), voting unanimously, all yeas, no nays, in support of this kind of amendment.*

*And you will also hear of our support of Family Care Homes, as we believe the County should embrace such needed services, but in a manner conducive to and honoring the character and vitality of residential neighborhoods, while protecting property rights.*

*Finally, we are prepared to answer any questions you may have as to property rights, legal issues, access to services and the significant differences of a Family Care Home versus an Adult Care Home. Simply, an Adult Care Home allows the County, via commercial zoning, much more control of these commercial services while a Family Care Home, clustering within residential zoning, allows your approval and governance oversight to be virtually de minimus (almost non existent). We look forward to further dialogue.*

*Judi Anderson submitted the following comments:*

*Good evening. My name is Judi Anderson. I am a resident of Chatham County. We have checked with several counties in North Carolina and have found that they require "family care homes" to have sufficient distance – usually a half mile-- between them. We did not check all counties. But we looked at those along the coast, in the Triangle and in the areas around Charlotte. Chatham County does not have such language in its zoning...but should.*

*We also randomly looked at municipalities that have required distances between these facilities. We checked on a variety of cities and towns and came up with 30 of them, many here in the Triangle area, including Pittsboro and Siler City, that have this language. This is great for those who live in Pittsboro and Siler City, but it means that those of us who live in residential zoning in other parts of Chatham County are unprotected from the phenomenon called clustering.*

*Please let me emphasize that we did not survey every county, city, or town in North Carolina, but where we did inquire, we found that those governmental bodies who considered setting up buffer zones between family care homes actually did so. Where records of their decisions exist, they did so unanimously. The vast majority of them elected a half-mile radius. This is the distance permitted by state law.*

*Why do we need a buffer area between family care homes? Because covenants associated with homeowners associations and developments are trumped by state statutes. If a family care home operator sets up in a residential community, like Briar Chapel, as an example, adjacent property owners have no recourse. It is allowed to be there. But having more than one in your midst can have ramifications. That's why a half-mile buffer can be so important.*

*Clustering is highly attractive to family care home operators. It provides economies of scale. Instead of serving, twenty-four individuals in a single building in a commercial area, these operators can serve the same number of residents at much lower cost in four properties close to one another in a residential area.*

*They use the same staffers for all of their properties. They pay lower taxes. They pay less for the residential property (as compared to commercial) and they have fewer regulatory issues. They have minimal government oversight. For them, it's a slam dunk.*

*This "gaming" of the system has been recognized for many years by other counties and municipalities in North Carolina. Many added buffer zones in the 1990s. Sanford has had them since then. In our discussion period, I will provide you with a list of what we found.*

*Clearly, Chatham County is behind the times in protecting property owner rights and needs to enact this amendment immediately. Holly Springs, Apex, Durham, Wake, Lee and Moore and many other areas have such a buffer in place. While some of us may not like it, we are growing and must adapt to the challenges that growth brings.*

*This is one of them. Chatham County property owners are counting on you to protect our interests by adopting a buffer zone of a half mile between family care homes. In the discussion session, I will be happy to answer questions you have.*

*Andrew Levin submitted the following comments:*

*I believe you have already been given very good reasons why this proposed separation requirement is consistent with the intent of the state statute and why it is needed to protect all residential communities in Chatham County.*

*If adopted, the only people who will be negatively affected are operators who would circumvent the intent of the law to establish clustered facilities; which are effectively Adult Care Homes; in residential neighborhoods where they would otherwise not be allowed to locate.*

*Your Planning Board has recommended adoption. However, your Planning Department has not, but I could find only one reason given for taking that position. It is the following:*

*“Until now, there have been no issues with family care homes or an influx of such a type of housing within the county’s jurisdiction.”*

*In other words: “We haven’t seen a problem yet, so why worry about it now.”*

*I respectfully suggest that, in this case.....perceiving a possible problem but deciding to wait for it to occur is not a wise move.*

*And if, as a result of this “wait and see” attitude, clustering occurs in one or more Chatham County residential areas.....and perplexed homeowners start asking how it happened.....and they discover that the County could have done something to prevent it from happening.....but the County didn’t because it was waiting for the problem to occur before doing anything.....and it comes out that surrounding counties; and even the city of Pittsboro, had taken steps to prevent this from happening.....this will not be lost on county homeowners.*

*I would not want to be the one to face them and have to justify that “wait and see” reasoning.*

*It boils down to a very simple concept. According to state law, Family Care Homes are supposed to be small, and they are not supposed to change the character of the neighborhood. Otherwise, it defeats the purpose of having them in the first place.*

*This distance restriction strikes a balance that adequately addresses the needs of disabled people and county homeowners. I ask that you adopt this proposal and move on. The interests of County homeowners should supersede those of operators looking to make more money by gaming the system and circumventing the intent of the law.*

*Hope Carmichael, Attorney for Governor's Club Property Owners Association, submitted the following comments:*

*Ms. Carmichael read a letter from Bill Colton, President of the Governor's Club Property Owners Association:*

*"The Governors Club Property Owners Association has proposed the text amendment being presently discussed. By bringing the proposed action forward, and as the elected representatives of over 2,000 community citizen residents, and a concern for our entire county, we provide the following:*

- We do not oppose LiveWell, a Family Care Home (FCH) operator, providing services within one of our residential neighborhoods and we will continue to work with them under the FCH banner of six patient beds or less.*
- We do oppose any operator within our county expanding their services beyond that limitation, as said limitation is intended to prevent the concentration and clustering of these commercial services within a residential setting, thereby forever changing the character of such a neighborhood.*
- Should any operators be allowed to "cluster" any county neighborhood will be irreparably harmed.*
- This action by this operator places in jeopardy the character and purpose of an FCH by concentrating patients well beyond the initial six bed maximum, as any amount beyond that maximum qualifies for an Adult Care Home (ACH) and, per NC Statute, must be considered commercial zoning, also per same NC Statute.*
- These FCH operators "cluster" simply to save money by consolidating services, yet have exhibited a higher degree of State violations leading to numerous fines and penalties related to quality and consistency of medical, cleanliness and safety services.*
- The purpose of the text amendment is to provide all county residents and their neighborhoods a reasonably safe haven from FCH operators purchasing multiple properties, at discount, then concentrating said services within an active and vibrant neighborhood.*
- The counties of Wake, Orange, Durham, Lee, Moore and Harnett, plus towns, just to name a few nearby, of Pittsboro, Siler City, Chapel Hill, Apex, Cary, Morrisville, Raleigh, Pinehurst and Sanford have approved and implemented proper and reasonable zoning buffers similar to our text amendment.*

*Our residents support any FCH operator's intent to provide senior care services. However, we do acknowledge that those same services are available to this area by simply understanding the following:*

- Carolina Meadows, a highly reputable and well known operator, is within one or two minutes of our community.*
- Galloway Ridge, of same credibility as the above, within ten minutes of our community.*
- Chatham Ridge, recently opened with a ninety patient bed capacity and now having forty patients in their facility, is especially convenient as it is placed across the street from one of our well attended Harris Teeters, located just one and a quarter mile from our community.*
- With the surrounding availability of these services, any patients' family members or loved ones will have local and quick access to their relatives or loved ones in a convenient manner.*
- Each of these facilities are within the required commercial zoning and are so planned and regulated in a manner conducive to a high degree of safety, cleanliness and medical attention.*

*All municipalities surrounding our community have enacted a reasonable and responsible buffer so as to prevent the incursion of Family Care Home operators overwhelming a residential neighborhood. We believe that is good governance, and hope you do also."*

*Ms. Carmichael then read a letter from Laurie Ford, Senior Vice President of NNP Briar Chapel, LLC:*

*"My name is Laurie Ford, Senior Vice President, NNP Briar Chapel LLC. At Briar Chapel I am offering comments supportive of the proposed text amendment requiring a separation of spacing between Family Care Homes (FCH).*

*At Briar Chapel, representing over 2500 planned homes, and the Triangle's largest green community, we appreciate the need for FCH's and recognize the importance of incorporating these facilities into communities within our County.*

*FCH operators and their facilities play an important role by serving seniors and individuals dealing with alcohol and substance abuse, as well as mental and behavioral issues. Given the focus of their services, we believe careful consideration should be given to where and how FCH's are integrated into communities. As such, we encourage the County to support the proposed separation requirement, to promote strategic and intentional placement of these facilities. This separation requirement will promote the incorporation of FCH's into Chatham County, while at the same time preserving and protecting the character and livability of any neighborhood.*

*Our community is growing and we are pleased with just how well that growth has been planned and orchestrated. I know the families that live in the nearly 900 occupied homes at Briar Chapel are proud citizens of Chatham County. I hope you will consider and create the separation requirement so proposed."*

## **BOARD PRIORITIES**

[16-1570](#)

Presentation on Options for Henry Siler School

**Attachments:** [Henry Siler School Chatham Cty Commission\\_Jan 2016.pptx](#)

*The County Manager stated the Board heard a presentation several months ago about Henry Siler School and some options for dealing with that building in a useful way. One of the recommendations was developed by UNC's Development Finance Initiative (DFI). They looked at the highest and best re-use of that property and recommended low income senior housing or market rate or affordable housing in Siler City. The County Manager stated she emailed a proposal from DFI detailing what they will do for the County. Basically they will take that property and help the County get it ready and do an RFP and negotiate with a private developer to re-use that building and do so with minimum public investment.*

*The County Manager introduced Roy Dowling, Project Director with DFI.*

*Mr. Dowling Presented a PowerPoint Presentation to the Board. (Presentation Attached)*

*Vice Chair Hales asked how long the process would be. Mr. Dowling stated it is a twelve month process.*

*Commissioner Howard asked about identifying a developer. Mr. Dowling stated the site scores well but the building could pose problems.*

*Chairman Crawford asked about the historical landmark designation. Mr. Dowling stated just the historic landmark structure would get the designation, no new*

construction. Chairman Crawford asked if the parcel would have to be split to maintain the designation. Mr. Dowling stated most likely.

Vice Chair Hales asked how DFI would engage the Town of Siler City. Mr. Dowling stated the town is already engaged in the project.

Commissioner Howard asked if there is parking on the site. Mr. Dowling stated there is parking in the back but it will need to increase with the increased density of the property.

15-1371

Vote on a request to approve the Governor's Club Property Owner's Association, Inc. for a text amendment to the Chatham County Zoning Ordinance, Section 7.2 Definitions and Section 10.13 Table of Permitted Uses to change the definition and allowances for Family Care Homes within the R1, R2, R5, and O & I zoning districts.

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

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

Commissioner Howard stated she agrees with the recommendation of the Planning Board of the 1125 ft. separation requirement. The quarter mile separation has been legally challenged and withstood that challenge.

Chairman Crawford stated he has concerns about the Farm at Penny Lane and how this change may affect them. Mr. Sullivan stated the Farm at Penny Lane would not be tied to the family care home separation requirements.

**A motion was made by Commissioner Howard, seconded by Commissioner Cross, that Resolution #2016-02 Adopting Consistency Statement for the Approval of a text amendment to the Chatham County Zoning Ordinance with the language "land development and conservation is welcomed but in ways that ensure that: benefits and burdens of growth are shared, growth consists of a mix of different types of development, and development is guided to suitable locations and is designed appropriately", 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

The Board discussed that the three residences already going through the permitting process would be grandfathered in and only new applications would be subject to the separation requirement if approved.

Joe Glasson stated LiveWell has applied for one of their neighborhoods and one thing that concerns him is that they have not yet been licensed by the state. Another concern is that they recently amended their application asking for one residence to be split to allow twelve people in one residence. The state admonished them and told them it would be a violation of state law and therefore they could not do that. Mr. Glasson requested that these residences not be automatically grandfathered in because they have not received their license yet and they have not delivered on many things they said they would.

Commissioner Howard made a motion to approve the planning board's recommendation of 1125 foot separation requirement.

Commissioner Petty asked what the concerns were with the half mile requirement. Mr. Sullivan stated the Planning Board had concerns about the issue that some areas of the county are very rural and others are very dense. If there is a half mile separation, the implications of the separation are very different in the rural areas of the county than a denser neighborhood.

Vice Chair Hales seconded Commissioner Howard's motion.

Mr. Sullivan stated the Planning Board also considered that the 1125 foot separation requirement was legally defensible. Commissioner Petty asked if there had been a legal challenge at the half mile requirement. The County Attorney stated not in North Carolina to his knowledge. Someone in the audience said there had been two challenges that had been upheld.

**A motion was made by Commissioner Howard, seconded by Vice Chair Hales, to approve the Planning Board's recommendation of a 1125 feet separation requirement and adopt an Ordinance Amending the Zoning Ordinance of Chatham County, attached hereto and by reference made a part hereof. The motion carried by the following vote:**

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

## **PUBLIC HEARINGS**

### 16-1555

Legislative public hearing request from Jim Staples of Opus Financial Advisors for a text amendment to the Chatham County Watershed Protection Ordinance to add the use of Office - Business and Professional no larger than 4,000 sq. ft. gross to Attachment A of uses permitted.

**Attachments:** [More Information from Planning Department Website](#)  
[Chatham County Opus FA.pdf](#)

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

Nina Lloyd with Opus Financial Advisors addressed the Board. She stated they have no plans to add to the existing structure, the square footage in the amendment would be 4,000 square feet.

Warren Mitchell, a civil engineer hired to help with the project, stated there are no plans to change the property. It is currently 12% impervious surface. 60-70% of the property would drain to the south into the Haw River, not to University Lake.

Chairman Crawford asked if there would be additional parking. Mr. Mitchell stated there are no changes planned except to the interior of the structure.

The hearing is continued to the February 15, 2016 Commissioners Meeting.

### 16-1556

Legislative public hearing request from Nina Staples Lloyd of Opus Financial Advisors for a conditional district Neighborhood Business for General and Professional Office and Event Center Limited on property located at 4421 Mann's Chapel Road, Baldwin Township.

**Attachments:** [More Information from Planning Department Website](#)  
[Chatham County Opus FA.pdf](#)

*Nina Lloyd with Opus Financial Advisors addressed the Board. (Presentation Attached)*

*Commissioner Howard asked how much parking is available. She stated about seventy parking spaces on gravel lots.*

*The hearing will be continued to the February 15, 2016 Commissioners Meeting.*

[16-1527](#)

Quasi-Judicial public hearing request from Darren Eck dba Villa Giallo for a conditional use permit for a Bed and Breakfast Inn with no more than six rooms for rent and as further defined in the Chatham County Zoning Ordinance. The property is located at 4352 Pea Ridge Road, New Hill, NC, Parcel No. 5772, Cape Fear Township.

**Attachments:** [More Information from Planning Department Website](#)  
[Villa Giallo-Eck Appearance Commission.pptx](#)

*Jason Sullivan, Planning Director, reviewed the specifics of the request. Mr. Sullivan stated this is a request by Darren Eck for a Conditional Use Permit for a Bed and Breakfast Inn with no more than six rooms for rent and also to have special events associated with the Bed and Breakfast Inn, which is allowed by definition in the zoning ordinance. Mr. Sullivan displayed a GIS map of the property. Mr. Sullivan stated the property is located off of Pea Ridge Road. It is zoned R-1 currently, which requires a Conditional Use Permit for this type of use. Therefore this is a quasi-judicial public hearing. The property adjoins Army Corp property which is unzoned and the access is actually through an unzoned portion of property that crosses Corp property. The applicant has information in their packet from the Army Corp of Engineers stating that it is ok to have that continued access. Included in the application materials are a series of photos from the site as well as a site plan. Mr. Sullivan displayed the site plan. Mr. Sullivan stated there is an existing structure and there is a proposed addition to the structure and an additional barn proposed on the property. The applicants did meet with the Appearance Commission and the Appearance Commission did recommend approval of the request. The applicant also had a community meeting in November of last year and that report was included in the packet. An environmental impact assessment was not required because they are not proposing to disturb more than two acres.*

*The Chairman administered the oath to those wishing to speak.*

*Darren Eck, applicant, presented a PowerPoint to the Board (Presentation Attached). Mr. Eck stated this is the same PowerPoint he gave at the Appearance Commission. It is his current residence, a 6,500 square foot home built in 2007. The plan is to turn it into a Tuscan style Bed and Breakfast Inn and also host events such as weddings and charity fundraisers. He showed pictures of what the property looks like now. He showed interior pictures of the property. The plan is to put the event barn on the other side of the pond. There are a total of three ponds on the property so all the run-off is captured in the ponds. There is also a plan to add a covered porch to the south side of the house. There will be a wedding arbor in the back yard. The barn will be an enclosed structure and the walls will be built out of stone to make it as sound proof as possible. Mr. Eck showed the landscaping plan around the barn. He also showed the parking and lighting plans. He reviewed the site plan and the additional screening that will be done to minimize any noise. There will be rail fencing*

to keep people from wandering off the property and the ponds also serve as a barrier. Mr. Eck stated there are very few Bed and Breakfast Inns in Chatham County marketing their services. Three show up on Google and the same three show up on Air B&B. There are none near Jordan Lake which is a very nice recreational area. There is limited lodging in Chatham County. There is a need for more Bed and Breakfasts. The only hotel east of Siler City is the Fearington which is not quite affordable for most people. Mr. Eck stated market research tells us that wedding draws clients from a range of thirty miles. In his case that is a population of 1.5 million people. The style of the house is Tuscan/Spanish style and is unique, something that you can't find in many other places. Everything else in the area is of a country or traditional style. There is another venue down the street. There are actually two venues down the street, he doesn't have information for the Bradford, but the Shady Wagon Farm a couple of miles down the road is very busy and very booked. Last year they held six private events, two rehearsal dinners and forty-one weddings according to their online calendar. They are obviously turning people away. Mr. Eck stated that makes a good case that there is a demand for this kind of thing in Chatham County.

Dennis Chapman submitted the following comments:

I have been a resident of Chatham County for twenty years and lived out on this property and had my house built out there. I have the following concerns about this gentleman's request. The said property is less than two miles from two identical properties doing the same type of business. What constitutes the need to the County and its neighbors to repeat this for a third time on the same road in the same geographical area? As a residential home owner and to the concerns of my surrounding neighbors as well, are we having to oppose a zoning request for a commercial rezoning for one person and one person's agenda. The rest of us have invested all of our monies in our own properties and the growth of our families to the future of residential zoning. Where is our protected investment? Given the proposed plan by Mr. Eck, at our group meeting required by the zoning commission, our personal concerns are as follows: sewer for the facility which is unavailable, fire and sprinkler suppression for the buildings involved, light and noise minimization on the barn that is to be built with one foot walls of stone. These lights are supposed to be in close proximity to our own personal properties. He made the correct statement by saying this place was clear cut by him six years ago. We are talking about scrub brush. There is no seventy-five foot buffer between our properties and what he has proposed. I welcome anybody on the Board to come out and take a look at it without looking at this type of presentation. Transfer of the property, if the individual decides to sell and that person's future intent, how do we guarantee that he'll keep the same place and do the same things if it is under a commercial permit. This request is not in the best interest of the land owners adjacent to the proposed property. We collectively agree that this does not enhance our neighborhood quality of life, our respect for each other's space, our stewardship to natural landscape. An attempt toward this rezoning is not to the benefit of Chatham County and its people looking forward. In conclusion, I trust that all of you are stewards of the County and were elected to those officials. Those are big shoes to fill and we know that just a few neighbors like ourselves speak for what we don't want one person to do. It should stay as a residential zoning area. Thank you.

John Collins submitted the following comments:

I would like to support my neighbors and Dennis did a good job here by kicking things off. I don't have anything new to add to what he said. I would just echo his sentiments. My wife and I have lived out on our property a couple of houses down

from Dennis. We border the existing lot and proposed development on the far east side. We purchased the property back in 1993, we have been there quite a few years and have enjoyed the residential and rural type of environment and the peace and quiet. That is why we purchased the property and that is why we are here voicing our concerns. I don't have anything against Darren personally. I don't have anything against the small business man, certainly we have a few small business folks in our development. The difference, I think, will be that you really can't see any evidence of those businesses. There is no net impact as far as the peace and quiet and tranquility of the atmosphere out there. Whereas, I think this is going to be a negative impact on those qualities. Dennis mentioned that there are at least two other similar venues within a few miles of this proposed business. I've not done any research on how both of those are booked; I can't really speak to that. It just seems like it is a high concentration of similar businesses in a pretty confined area. To be honest, my overriding concern is that of noise from the events, particularly if he is hoping to book an event every weekend or nearly every weekend. If you have a wedding or some other party, which is essentially in our backyards, if you look at the plots that contain our lots, I think some sort of disruption is not only inevitable it is nearly unavoidable. I don't know how you can manage that. The vast majority of visitors that do utilize the property are more than likely to come one time and they are not to return. They don't have any stake in following any rules. I am not speaking to everyone but there are always bad actors in every group that you have. I can easily imagine how festivities might continue from the party barn into the adjacent parking lot at night despite any agreements made to the contrary. Loud voices, car horns, stereos, revving engines, and the like are virtually guaranteed and difficult to imagine from a setting like this. Once this is built and operational the only recourse we'll have is to call the Deputy Sheriff and have him or her come out and knock on the door, which is not very effective. One last concern I would add to that is about the guests trespassing on our property. Not for the sake of theft but there are stump holes out in the woods and other natural hazards that exist on all of our properties. If someone becomes injured, who is liable for that? Am I liable for that? There is a lot of talk tonight about preserving the integrity of the neighborhood and I think this qualifies as that. I feel like this would certainly be a step in the wrong direction as far as moving away from what we all purchased out there twenty-one years ago. Thank you.

Robert Wilson submitted the following comments:

It has been real fascinating being here tonight just to see how this whole thing works. I appreciate what you guys do. My wife and I bought property out at Jordan Lake Estates in 1992. A lot of the reason we bought property out there was for three main things; privacy, quiet, and for lack of a better way to put it, darkness. Those are my wife and I's three main concerns. I'll start with the light. I think the lights that the Eck's have proposed are very tasteful, however, as John said, if I am sitting in my screened in porch or on my patio and let's say it is this time of the year and I look through the woods and I see a light, any additional light, to me it is contrary to part of the reason why my wife and I invested and have been out there ever since and loved it. Even if it is not bright, a light, any extra lights, is contrary to what we bought into. The second thing is the noise. I'm with John. I understand that there is a level of decibel that is permitted, but again if I am in my backyard and if there are events on the weekend, if I am not hearing the tree frogs and the crickets and I'm hearing music or anything else I feel like my rights have been infringed on. I don't know if my recourse would be to call the Sheriff. It doesn't seem like a very good use of our County's finest to be looking into some decibel level. So the Sheriff comes to me and what do we do? Walk to the back of my lot to check a decibel level. Even if it is below whatever the limit is, damage has been done. We've wasted resources, I'm aggravated. If it is above the level then that deputy has to go next door and deal with

*that situation, which is just more wasted resources and now we are in a lose-lose situation. Everybody is aggravated. Last thing, the privacy. Over the time that the Eck's have had that property, they have had cattle, their cattle has been in my backyard eating my grass, feeding on my landscape. Pigs, same thing. My property, rooting through my stuff, to a lesser degree, chickens. Shooting at my son and a guest on our property. I don't have a lot of confidence that the Eck's are going to be able to control these events. My main concerns are the light, the noise, and my own privacy, which is why primarily my wife and I decided to come out to Chatham County twenty-six years ago. I appreciate you listening. I would echo what John said, to try to keep integrity of the neighborhood. We have all been there for quite a while and would appreciate your support so that we can maintain that. Thank you.*

*Margaret Dey submitted the following comments:*

*I go by Peggy, that is how my neighbors know me. You have already heard from pretty much of all us this evening. I want to speak out as well. We don't have anything against someone wanting to make a living. We don't want to interfere with people finding creative ways to come up with income. Our primary concerns have already been listed. Anything I say is going to be redundant, except that my family, my husband and I bought property back in the early 90's. What attracted us to that area was the dirt road and several parcels of land. We purchased two parcels, two lots put together because we wanted as much land as possible around us. We are country, we don't like light pollution. We don't like noise. We like quiet. We don't mind driving forty-five minutes to work. There is a tradeoff. You come home, it is quiet, it is relaxing, it is peaceful. You are on vacation every time you come home. That land behind us was not developed when we bought our lots. We built our house, we were members of the construction crew, we wanted it right. When they bought the property behind us and we actually looked into, all of us, looked into buying the property behind us, to combine our resources and parcel that land out. But it was out of our reach financially. When the property was bought and clear cut it was a shock to all of us. Again, we let bygones be bygones. When a pond was put in and the culvert was aimed on our property to drain, we let it go. Because neighbors try to look out for neighbors. We do have concerns about the facility going in that is potentially going to have forty-one weddings a year, that is going to have guests, that is going to have noise. No matter how thick your walls are you are still going to hear it. You are going to hear it outside and inside. Darren and Gretchen were nice enough to speak with all of us and address our concerns but they are very real. Whichever way it goes we are all going to do the best we can to abide by still being neighbors. We are not out there to pick a fight with anybody. We are not out there to go looking for trouble. Our entire community is a tight, close knit community. We look out for each other and that also means that we make concessions. We do have concerns. We know that you are here tonight to listen to virtually every single property that is involved. They are represented here tonight and that says a lot about our community. We may have twelve acres but we still talk to each other. Thank you for your time and your consideration. You are not going to come up with the perfect solution for everybody, I wish you could. Thank you.*

## **MANAGER' S REPORTS**

*The County Manager asked the Board to reserve February 25, 2016 from 8:30 AM to 9:45 AM for a breakfast meeting with the legislative delegation in the DSS Conference Room.*

*She reminded the Board that the one on one meetings are scheduled for Friday,*

*February 19, 2016. She will extend the agenda review meeting for the Chair and Vice Chair on February 8, 2016 for their one on one meeting so they should plan to stay until 4:00 PM.*

### **COMMISSIONERS' REPORTS**

*Commissioner Cross stated he attended the Moncure Fire Department Awards Banquet and it was their 50th Anniversary. The Fire Department is very appreciative of the Board's support and help with their finances.*

*Vice Chair Hales attended the Triangle J Council of Governments meeting with Dr. John Harden from NC Commerce. They discussed the innovation index. NC Commerce is trying to measure where North Carolina fits in the index compared to the fifty states. North Carolina is in the middle of the pack. 10% of the State's jobs are considered in high tech. The Commerce Department is looking into how to attract more of those kinds of jobs to the state. The average high tech wage is \$106,000 a year. She also attended the Environmental Review Advisory Committee meeting and they are working on a couple of projects. One is with Sanford's wastewater treatment plant to try to get better information on processes regarding leachate, one of the byproducts of the coal ash site.*

*Chairman Crawford attended the Triangle J meeting as well. He also went to the MPO meeting and brought Jeremiah Drive to their attention.*

### **ADJOURNMENT**

**A motion was made by Commissioner Howard, seconded by Vice Chair Hales, that this meeting be adjourned. The motion carried by the following vote:**

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