

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING, DECEMBER 19, 1994

The Board of Commissioners (the "Board") of the County of Chatham, North Carolina, met in regular session in the District Courtroom, located in the Courthouse Annex, Pittsboro, North Carolina, the regular place of meeting, at 7:00 p.m., on December 19, 1994.

Present: Chair Uva Holland; Commissioner Betty Wilson; Commissioner John Grimes; Commissioner Margaret Pollard; Commissioner Henry Dunlap; County Manager Ben Shivar; County Attorney Robert L. Gunn; and Clerk to the Board Sandra B. Lee

The meeting was called to order by the Chair at 7:05 p.m.

AGENDA

The Chair asked if there were additions, deletions or corrections to the Agenda.

The County Manager asked that Item #24, Economic Development Request from Chamber Representative, be removed from Agenda and rescheduled for the January 9, 1994 Board of Commissioner's meeting.

Commissioner Pollard moved to approve the agenda as presented. Commissioner Wilson seconded the motion. The motion carried five (5) to zero (0).

CONSENT AGENDA

The Chair directed the Clerk to the Board to read the Consent Agenda.

Commissioner Pollard moved to approve items listed on the Consent Agenda as read by the Clerk. Commissioner Wilson seconded the motion. The Consent Agenda, with the vote on each item is as follows, and was read verbatim by the Clerk to the Board.

1. **Minutes:** Consideration of approval of Board Minutes for Regular Meeting held December 5, 1994

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

2. **Tax Releases:** Consideration of a request for approval of Tax Releases and Tax Refund

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

3. **Solid Waste Disposal Fees Releases:** Consideration of a request for approval of Solid Waste Disposal Fees paid in error

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

4. **Naming of Private Roads in Chatham County:** Consideration of a request from citizens for

the naming of the following private roads:

- 1) John Lane Road
- 2) Churchman's Ford Road
- 3) Sunny Acres
- 4) The Church Road
- 5) Two Mule Road

- 6) Wilbur Straughn Road
- 7) Wild Iris Trail

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

PUBLIC INPUT SESSION

Steven Seilkop, 3942 Rives Chapel Church Road, Siler City, NC spoke regarding the hog factory farm which is to be located approximately one mile from his home; the devaluation of property and the negative impact on the County if the proposed hog farm is built. He asked the Commissioners to follow-up on their resolution and contact the FmHA and express their concern with respect to FmHA's avoidance of the Commissioners' request. He asked the Commissioners to develop a County code for these intensive livestock operations, direct the County Health Board to assess health impacts of these facilities, and collect information from other county health departments with respect to negative health impacts and impacts on well water contamination.

Thomas Emerson, 186 John Emerson Road, Siler City, NC , President of North Central Farm Credit and life-time resident of Chatham County expressed positive views on the hog factory farm and stated his support of the Craigs who have proposed to build and operate the farm near Siler City.

PLANNING AND ZONING

Public Hearing

Community Development Block Grant Program for 1995: Consideration of public comment on the proposed application for the Community Development Block Grant Program for 1995

Buddy Blackburn, with the Wooten Company who currently administers the CDBG in the Greenhill area, stated that the purpose of the public hearing is to explain the CDBG program and to provide an opportunity for the citizens of the County to express their ideas as to how the County might use this application for CDBG funds. He stated that the primary objective of the program is to provide decent housing, a suitable living environment and expand economic opportunities, principally for low and moderate income residents. He spoke regarding eligible communities, activities, grant categories, and maximum funding levels and further explained the categories of how the money will be spent. He stated that all the funds for the 1991 project must be spent by the end of January 1995 and that the application deadline for the new grant has been moved up to February 15, 1995.

Amy Wilson, a Chatham County Vista Volunteer who works for the Rural Communities Assistance Project, an agency focusing on water and wastewater issues, stated that within the past four months she had located approximately thirty homes within Chatham County which have incomplete indoor plumbing and need extensive repairs. She stated that this thirty is only a fraction of the 366 homes, according to the 1990 Chatham County census that have incomplete plumbing. She asked that the County apply for a scattered site

CDBG for 1995.

The Chair closed the public hearing session.

PLANNING AND ZONING

Subdivision Requests

Approval of Request for Sketch Approval of Wendy Hill Subdivision: Consideration of a request for sketch approval of Wendy Hill Subdivision - Phase II consisting of 15 lots on 87.9 acres off Barbee Road (S.R. #1739) in Williams Township

Commissioner Dunlap moved to accept the Planning Department and the Planning Board recommendation that the request be granted sketch design approval with a 50 foot water hazard area setback designated where required along the stream labeled existing creek. Commissioner Pollard seconded the motion. The motion carried five (5) to zero (0).

Approval of Request for Subdivision Preliminary Approval of Highland Estates: Consideration of a request for subdivision preliminary approval of Highland Estates consisting of 27 lots on 62.9 acres off Chatham Drive (S.R. #1568) in Baldwin Township

Chuck Morton, representing Dr. Davis who has adjoining property, addressed concerns regarding the approval of Highland Estates. He asked that the growth of Highland Estates, surrounding areas, environment, and all of its ramifications be carefully considered. He asked the Commissioners to consider the effects of growth within the context of the region and carefully consider density requirements for this and other regions before approval.

Commissioner Pollard moved to recommend the plat be granted preliminary approval with the following conditions:

1. Establish a 50 foot wide buffer area as defined in the Chatham County Watershed Protection Ordinance around the existing pond.
2. The lots adjacent to the pond shall have a minimum lot size of 1.5 acres excluding the pond area.
3. Provide an access easement to the pond for fire department and emergency use
4. A public road right-of-way is to be dedicated to the Webster property between lots 24 and 25 with a road built to state standards approximately 30 feet with a turnaround and a sign that states the road may be extended at a future time.
5. A public road right-of-way is to be dedicated to the adjacent property in Highland Forest between lots 21 and 22 and a road built to state standards to said property line with a turnaround.

Commissioner Wilson seconded the motion. The motion carried five (5) to zero (0).

Commissioner Grimes asked to be excused from the next two items because of a possible conflict of interest. Commissioner Pollard moved to excuse Commissioner Grimes from the (1) Request for Final Approval by Bud Matthews on Property of Home Savings Bank and (2) Approval of Request by Bud Matthews for a Conditional Use Business District with a Conditional Use Permit. Commissioner Wilson

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

Request for Final Approval by Bud Matthews on Property of Home Savings Bank:

Consideration of a request for final approval by Bud Matthews on property of Home Savings Bank of Siler City, NC consisting of one lot on 2 acres off Hwy. #15-501 north in Williams Township

Commissioner Pollard moved to recommend the request be approved with the condition that a stormwater basin be installed to retain the first 1/2 inch of runoff from the impervious surface. Said basin is to be installed prior to issuance of a certificate of occupancy. Commissioner Wilson seconded the motion. The motion carried four (4) to zero (0).

Zoning Requests

Approval of Request by Bud Matthews for a Conditional Use Business District with a Conditional Use Permit: Consideration of a request by Bud Matthews for a conditional use business district with a conditional use permit for a heating, plumbing, electrical, cabinet, and similar shops on 2 acres owned by Home Savings and Loan of Siler City northeast of Cole Park Plaza east of US #15-501 in Williams Township

Commissioner Wilson moved to deny the request due to action taken by the Board at a previous meeting authorizing the condemnation of the property for the County's use in connection with the solid waste disposal program, the action filed on December 13, 1994, and is in effect, the legal owner of the land. Commissioner Pollard seconded the motion. The motion carried four (4) to zero (0).

Approval of Request by Dial-Call Company for a Conditional Use Light Industrial District with a Conditional Use Permit: Consideration of a request by Dial-Call Company for a conditional use light industrial district with a conditional use permit for a communication tower on 5.58 acres owned by Elton Chevalier on the south side of US #64 in New Hope Township

Commissioner Wilson moved to recommend the request be approved according to plans and specifications submitted. Commissioner Grimes seconded the motion. The motion carried five (5) to zero (0).

Request by Deep River Minerals, Inc. for a Conditional Use Heavy Industrial District with a Conditional Use Permit: Consideration of a request by Deep River Minerals, Inc. for a conditional use heavy industrial district with a conditional use permit for a rock crusher on 100 acres owned by John R. Callaway on the north side of SR #1011 (Old US #1) in Merry Oaks, Cape Fear Township

Commissioner Wilson asked that there be a screen planted all the way around the property due to residences located nearby.

Cindy Bland, attorney representing Deep River Minerals, Inc. stated that Deep River Minerals would be more than glad to comply with additional screening, if necessary, but that screening for a mile perimeter would be difficult. She asked that if the Board felt compelled to place trees around the entire property, they be spaced further apart on the back edge than on the front and side next to property owners.

The Planning Director stated that there would have to be over 150 feet of dense forest to receive any noise decline which would act as a buffering effect.

Commissioner Pollard moved to recommend that the Board make the five findings and approve the request with the following conditions:

1. The plant site shall be setback a minimum of 500 feet from the front property line or road right-of-way and 200 feet from other adjacent property lines.
2. Fines shall not be deposited closer than 100 feet to an adjacent property unless used in the construction of vegetative berms.
3. Berms shall be no closer than 10 feet to an adjacent property line except in the front where a 50 foot minimum is required and berms shall be vegetated to prevent erosion.
4. The operation of the facility shall be in compliance with the Chatham County Noise Ordinance and shall be considered a violation of this conditional use permit if in non-compliance.
5. An opaque screen not less than six feet in height shall be established along the front of the property lines. If said screen is to be vegetative, plants not less than two feet in height shall be initially planted, of a variety that normally will grow to six feet within four years.

Commissioner Dunlap seconded the motion. The motion carried five (5) to zero (0).

TRANSFER FEES

Keith Megginson, Planning Director, stated that the Board had asked that he and the Manager look for new revenue sources, specifically land transfer fees. Any time a deed was recorded in the Register of Deeds Office that transferred land, an additional fee would be collected. He stated that he had called Representative Joe Hackney who advised that he did not feel that transfer fees would have a very good chance. He stated that Mr. Hackney relayed how impact fees and land transfer fees had been before the Legislature before and those requests did not pass and that he thought they would have less of a possibility of passing now. Mr. Megginson stated that the Commissioners may wish to have a set amount of the taxes now collected to be designated for the schools which would accomplish the same thing as impact fees or land transfer fees.

The County Manager suggested that the Commissioners might wish to meet with their legislative representative and address the issue at that time.

PRESENTATIONS

Rick West, 112 Forest Creek Drive, Pittsboro, NC, spoke on behalf of the children, parents, teachers and principal of North Chatham Elementary School. He voiced his concern regarding the overburdened school facilities and lack of space. He stated that at this point, the education of the students have not been compromised due to the resolve, constant cooperation and adaptation among the faculty and staff at the school, despite the lack of appropriate space to perform their jobs. He asked the Commissioner to make an immediate decision to commit to Dr. Larry Mabe to fund the \$4.4 million shortfall so that the design and construction of the new school in North Chatham and Siler City can move forward.

Warren Pope, Route 9, 620 Gallup Road, Chapel Hill, NC, spoke on the issue of funding for school construction in Chatham County. He stated that although he was not familiar with all the demands placed on

the Commissioners for physical resources, he could not imagine an issue facing the Commissioners more paramount than that of providing sufficient classrooms and necessary resource space to provide the environment that is conducive to both teaching and learning. He strongly urged that the current shortfall of capital to complete the construction projects for schools be addressed immediately. He asked that the Commissioners acknowledge the impending growth in the County and for the sake of the children and the future of Chatham County, be proactive and not reactive.

Chair Holland thanked the speakers for their input. She stated that the Commissioners share their concerns and can rest assured that she, the Commissioners, and the County Manager, will be working with Dr. Mabe and Mr. Wilke to come up with solutions to the problems for the children of Chatham County.

The Chair called for a five minute break in the meeting.

EMERGENCY OPERATIONS

Public Hearing Date to Rename a Public Road: Consideration of a request to set the date for a Public Hearing to rename River Forks Road to Fork River Loop Road

Commissioner Pollard moved to recommend that January 9, 1995 be set for the public hearing date to receive public input on a request to change River Forks Road to Fork River Loop Road. Commissioner Wilson seconded the motion. The motion carried five (5) to zero (0).

SHERIFF

Dare Officer Grant: Consideration of a request for Dare Officer using funds from grant

Commissioner Grimes moved to accept the Sheriff's Department recommendation to request that the Chatham County Commissioners allow the funding for a seventh grade Dare Officer by using state grant monies. Commissioner Wilson seconded the motion. The motion carried five (5) to zero (0).

Additional Personnel with Federal Funding: Consideration of four additional patrol deputies with federal funding

Commissioner Pollard moved to accept the Sheriff's Department recommendation to fund four (4) additional Patrol Deputies by utilizing the grant monies that are available. Commissioner Dunlap seconded the motion. The motion carried four (4) to one (1) with Commissioner Grimes opposing.

FINANCE

- **Bank Draft Resolutions #66 and #67:** Consideration of resolutions from bank regarding changing of chair signatures

Commissioner Wilson moved to: (1) approve the resolution designating Central Carolina Bank and Trust Company as the Chatham County Official Depository and designation of Uva Holland, Chair and Vicki McConnell, Finance Officer as authorized signers on account; (2) Approve resolution authorizing Uva Holland, Chair and Vicki McConnell, Finance Officer to have access to the County's safe deposit box; (3) Approve telephone transfer authorization and agreement allowing Vicki S. McConnell, Finance Officer to transfer funds from the County's checking account via telephone request. Commissioner Pollard seconded the motion. The motion carried five (5) to zero (0).

BOARDS AND COMMITTEES

Emergency Medical Services Provider to Serve on Chatham County's Child Fatality Prevention Team: Consideration of an appointment of an emergency medical services provider (Tony Tucker) to serve on Chatham County's Child Fatality Prevention Team

Commissioner Pollard moved to recommend Tony Tucker, Emergency Medical Services Provider, be appointed to serve on the Child Fatality Prevention Team effective immediately. Commissioner Grimes seconded the motion. The motion carried five (5) to zero (0).

Triangle Region Solid Waste Planners Committee: Consideration of adoption of a resolution and appointment of Matt Young, Recycling Coordinator, as Chatham County's representative to the Triangle Region Solid Waste Planners Committee

Commissioner Wilson moved to adopt **Resolution #68 Regarding Regionally Integrated Solid Waste Management** and appoint Matt Young, Recycling Coordinator, as Chatham County's representative to the Triangle Region Solid Waste Planners Committee for the purpose of undertaking an initial exploration of opportunities for cost-effective regionally integrated solid waste management and reporting back to the Triangle

J Council of Governments Board of Delegates and member governments. Commissioner Pollard seconded the motion. The motion carried five (5) to zero (0).

Domiciliary Home Care Committee: Consideration of an appointment to the Domiciliary Home Care Committee

Commissioner Pollard moved to appoint Ben Clark and Karl Ernst to serve on the Chatham County Domiciliary Home Community Advisory Committee and to appoint Mary Nettles as a third appointment, if needed. Commissioner Wilson seconded the motion. The motion carried five (5) to zero (0).

Council for Women: Consideration of 15 appointments to Council for Women

After discussion and Commissioner input, Commissioner Grimes moved to appoint the following members to the Chatham County Council for Women:

Dr. Valarie King, Cynthia Bland, Cheryl Thompson, Susan Cafferty, Rev. Carrie Bolton, Valerie Hinckley, Margo Tesch, Jean Vollrath, Ann Daurity, Glennie Beasley, Elizabeth Penney, Adeline Penberthy, Vanessa Jeffries, Donna Weaver Thorpe and Judith W. Buckner

Commissioner Pollard seconded the motion. The motion carried five (5) to zero (0).

Strategic Planning Development Committee: Consideration of an appointment to the Strategic Planning Development Committee

Commissioner Pollard moved to appoint the following individuals to the Strategic Planning Development Committee: Howard Stier, East Chatham (Apex) - Chair; Joyce Cotten, Pittsboro; Karl Ernst, Siler City; Gene Galin, Pittsboro; Ray Greenlaw, Pittsboro; Joy Johnson-Turpin, Siler City; Dave Smith, Pittsboro; Reggie Smith, Pittsboro; Roman Smith, Siler City and to give authority to the committee to appoint

two additional minority members, one Hispanic and one African American to serve on the committee. Commissioner Wilson seconded the motion. The motion carried five (5) to zero (0).

BOARD OF COMMISSIONERS MATTERS

Request to Lower Speed Limit on Section of US #64: Consideration of a request to lower the speed limit on a section of Hwy. #64

Commissioner Grimes moved to send a letter requesting that the speed limit on US #64 be lowered to 45 miles-per-hour 300 feet past the entrance to the cemetery and to authorize the County Manager to write a letter to the NC DOT under the Chair signature. A copy of the letter is attached hereto and by reference made a part hereof. Commissioner Pollard seconded the motion. The motion carried five (5) to zero (0).

- **Extension of Cabletelevision Franchise with Crown Cable:** Consideration of an extension of the Cabletelevision Franchise with Crown Cable

Commissioner Wilson moved to adopt **Resolution #69 Extending the Cabletelevision Franchise Between Chatham County and Crown Cable for a Period of Six Months.** Commissioner Dunlap seconded the motion. The motion carried five (5) to zero (0).

Lease Agreement for Office Space for Probation Officers: Consideration of a lease with Lonnie Dark, Attorney, for office space for Probation Officers

Commissioner Grimes moved to authorize the County Manger and County Attorney to enter into a lease agreement with Mr. Lonnie Dark for office space for the

Probation Officers at a cost of \$.76 per square foot, effective January 1, 1995, for a period of three years, with the understanding that there are additional State monies to be applied to the rental price. A copy of the lease is attached hereto and by reference made a part hereof. Commissioner Pollard seconded the motion. The motion carried five (5) to zero (0).

Occupancy Tax Task Force: Consideration of funds for Occupancy Tax Task Force

Commissioner Wilson moved to adopt **Budget Amendment #19**, a copy attached hereto and by reference made a part hereof, which budgets the revenue and expenditures from the occupancy tax, and authorize the Finance Officer to expend up to \$500 of these funds. Commissioner Pollard seconded the motion. The motion carried five (5) to zero (0).

Letters of Congratulation and Appreciation to Congressmen and Legislators: Consideration of sending letters of congratulations to newly elected officials and letters of appreciation to out-going officials

Commissioner Wilson moved to authorize the County Manager to send letters of congratulation and appreciation to newly elected and out-going Congressmen and Legislators under the Chair signature. Commissioner Pollard seconded the motion. The motion carried five (5) to zero (0).

Approval of Bond Interest Rate: Consideration of approval of bond interest rate

Commissioner Wilson moved to adopt **Resolution #70 Approving Bond Interest Rate and Approving Official Statement.** Commissioner Grimes seconded the motion. The motion carried five (5) to zero (0).

MANAGER' S REPORTS

The County Manager had no reports. He did, however, distribute copies of a statement from the North Carolina Capital Management Trust, an investment pool utilized by local governments in North Carolina, which answers questions which arose from Orange County, California declaring bankruptcy. He stated that Chatham County makes very good use of the pool; that the investment is safe, as it is restricted under State law and by certain investments; that the interest rate tends to be higher than what can be obtained at local banks; and that it is highly liquid and the money can be obtained quickly.

Contract For Educational Leave for Sue Fields, RN to Attend the Nurse Practitioner Course:

The County Attorney stated that this contract was previously approved at the November 7, 1994 Board of Commissioner's meeting but that it had come to his attention that there was no provision for non-completion of course work reimbursement if the contract was not successfully completed.

Commissioner Wilson moved to authorize the contract to include a provision for reimbursement of pay if the course is not successfully completed. A copy of the contract is attached hereto and by reference made a part hereof. Commissioner Pollard seconded the motion. The motion carried five (5) to zero (0).

COMMISSIONER'S REPORTS

There were no Commissioner's reports.

ADJOURNMENT

Commissioner Wilson moved that there being no further business to come before the Board, the meeting be adjourned. Commissioner Dunlap seconded the motion. The motion carried five (5) to zero (0) and the meeting was adjourned at 10:27 p.m.

Uva R. Holland, Chairman

ATTEST:

Sandra B. Lee
Clerk to the Board