

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING, JANUARY 23, 1995

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 January 23, 1995.

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 Chairman at 7:02 p.m.

AGENDA

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

The County Manager asked that Item #4 be removed from the Consent Agenda and be added to the end of the Regular Agenda and that an Appointment to the Economic Development Commission be added to the Agenda.

Commissioner Wilson moved to approve the agenda with the noted requests. Commissioner Grimes seconded the motion. The motion carried five (5) to zero (0).

CONSENT AGENDA

The Chairman 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 January 9, 1995

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

2. **Tax Releases:** Consideration of a request for approval of Tax Releases, copies attached hereto and by reference made a part hereof.

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

3. **Solid Waste Disposal Fees Releases:** Consideration of a request for approval of refunds for Solid Waste Disposal Fees paid in error, copies attached hereto and by reference made a part hereof.

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

PUBLIC INPUT SESSION

Larkin Bell, 28 Red Pine Road, Pittsboro, NC, Secretary of the Chatham Development Homeowner's Association, addressed the Board regarding water contamination in their well systems and the larger issue of development within the County. He urged the Commissioners to put a moratorium on development until a study can be done or give serious consideration to County water where he resides. He also encouraged the Commissioners to look at the overall quality of growth within the County such as traffic, air quality, property values, health issues and things of this nature.

M. J. Christenbury, 125 Persimmon Hill, Pittsboro, NC, stated that she had read an article in a local paper and was afraid to drink her own water. She stated that it was the County's responsibility to protect the residents safety and welfare and that as sworn, elected officials, the Commissioners should do so.

James Pollard, 3120 Christian Chapel Church Road, New Hill, NC, asked that the Commissioners pass a local law to allow trapping of foxes, with the permission of local land owners, south and east of US Hwy. #1. He stated that foxes prey on ducks, duck eggs, rabbits, song birds and other wildlife. He stated that 39 other counties have passed this law and allow the foxes to be trapped.

PLANNING AND ZONING

Public Hearing

Public Hearing Date on Close Out of 1991 Greenhill Community Development Block Grant: Consideration of a request to close out 1991 Greenhill Community Development Block Grant (CDBG)

Frankie Matthews, 828 Lane Jordan Road, Siler City, NC, presented the Commissioners with a list of people who had houses, some which had no cut-off valves, others which had water leaks and electrical problems, houses which need dirt on top of septic tanks, some with repairs not completed, and one with no water at all. He stated that Robert Brooks had been left out of the original plan.

Keith Megginson, Planning Director stated that the public hearing would be continued at the February 13, 1995 Board of Commissioners meeting.

Zoning Public Hearings

The Chair administered an oath/affirmation to those in attendance who wished to make public comment.

Request for Conditional Use Light Industrial District and Conditional Use Permit: Consideration of a request by Bill Akridge for Conditional Use Light Industrial District and Conditional Use Permit for a mini-warehouse storage facility on 2.48 acres on the south side of SR #1724 (Old Lystra Road) in Williams Township

Keith Megginson asked the Chairman for approval to accept written comments on all public hearing issues on the night's agenda until January 30, 1995 due to the inclement weather. Approval was given by the Chairman to the Board.

Junius Terrell, Route 7, Box 590, Chapel Hill, NC, stated that the Commissioners had denied a previous request to expand the mini-warehouse storage facility at the November 21, 1994 meeting and that on November 27, 1994, Mr. Akridge had reapplied. He stated that he opposed the facility for the following reasons: that Old

Lystra Road was residential and agricultural and not industrial or commercial; that since Performance Bicycle moved in, residents were beginning to see an increase in traffic; that he was against backyard industry in the area; that zoning changes should be made when they benefit and enhance the welfare and community of the County; that the values of the area will deteriorate; that the applicant maintains a large mobile home lot on the property and that it is not appropriate to be both residential and commercial; that the applicant has not adequately complied with screening of the property. He requested that the Board of Commissioners and the Planning Board carefully consider his views and deny the applicant's request.

Bill Akridge, Route 7, Box 568, Chapel Hill, NC, stated that he owned Chatharidge Self Storage mini-warehouses located 500 ft. south of Old Lystra Rd. and is enclosed within a 140' x 240' chain-link fence. He stated that the visual count of automobiles using the site since November, 1994, average less than three cars per day and that he doesn't feel another warehouse will noticeably increase traffic. He presented the Clerk with a petition of eleven signatures which have no objection to the erection of another warehouse.

Bonnie Terrell, Route 7, Box 590, Chapel Hill, NC, stated she and her husband bought the land on Old Lystra Road in 1970 on which they built their home in 1971; that they wanted a country setting in which to raise their daughter; that it has been their observation that when one person builds a business in a neighborhood, it usually causes others to do so; that they have invested their life's savings into their home, and that they wish to retain the beauty of land by keeping it residential.

Don Tyndall, 135 Old Lystra Road, Chapel Hill, NC, stated that he was opposed to the new mini-warehouse and read a statement expressing opposition by the Arbor Lea Association of land owners against the proposed building which will create more traffic and disturb the peaceful surroundings.

Request for Conditional Use Business District With a Conditional use Permit: Consideration of a request by The Carlyle Group, Inc. for a conditional use business district with a conditional use permit for several businesses on 2.73 acres on the northwest side of SR #1008 and the entrance to Nature Trail Mobile Home Park

Cindy Bland, PO Box 147, Pittsboro, Attorney representing the Carlyle Group stated that the Carlyle Group was dedicated to providing housing for low to middle income families and proposes this development to help serve the commercial needs of both its mobile home park and the surrounding increased development areas, including Governor's Club and Carolina Meadows. She asked for a revision to the initial request for more feet for gas-pumping facilities at the site. She stated that she believes Nature Trail Mobile Home Park will benefit the community.

John Russell, Route 6, Box 461, Edward Ridge Road, Chapel Hill, NC, representing Edward Ridge Association, stated that he owns property adjacent to the Carlyle property; that there is a big dip in the road where the park is proposed; that the area has had bad accidents due to the road and dangerous intersection; that there are already two stations and a third station is not needed for the area.

Jan Russell, Route 6, Box 461, Edward Ridge Road, stated that she moved into the Mt. Carmel area approximately 25 years ago because it was a quiet, beautiful, caring, community in which to raise their child. She expressed opposition on behalf of the Mt. Carmel Community, the Edward Ridge Homeowners Association and property owners joining the Nature Trail Mobile Home Park.

Amendments to the Chatham County Subdivision Regulations and Mobile Home Ordinance: Consideration of proposed multiple amendments to the Chatham County Subdivision Regulations and Mobile Home Ordinance concerning private road standards

Dan Rice, 20 Plantation Drive, Apex, NC asked questions regarding how the amendments will be applied. He stated that he needed clarification on some issues and would like to know how the lots were counted. He stated that if this was not possible, he would like to have the amendment tabled.

The Planning Director answered his questions.

Commissioner Pollard moved to officially continue the public hearing on February 13, 1995 on the CBDG. Commissioner Wilson seconded the motion. The motion carried five (5) to zero (0).

Subdivision Sketch Requests

Request for Sketch Approval of Norwood Heirs Subdivision: Consideration of a request for sketch approval of Norwood Heirs Subdivision consisting of 59 lots on 69.8 acres off Mann's Chapel Road (SR #1532) via Persimmon Hill Road in Baldwin Township

Bruce Raymond spoke referencing the sketch plan map, his concern regarding water issues, and the Persimmon Hills roadway. He stated that this road has been a privately maintained road for the last ten years and asked that the developer of the area take responsibility for his use of the road. He asked that the Commissioners disapprove the sketch plan, as it does not meet the regulations and the water resources cannot safely support the density as shown.

Commissioner Wilson stated that she felt that all of the Commissioners share Mr. Raymond's concern regarding the water. She also stated that she is concerned regarding the overcrowding of schools and the preservation of the cemetery. She stated that there is a lot that needs to be looked into and suggested that the sketch approval request of Norwood Heirs Subdivision be tabled for thirty days in order to further study the plan.

John Santoemma, stated that he was concerned about the additional traffic on Mann's Chapel Road as well as the water and sewer.

Patrick Davis, one of the developers, stated that when the sketch plan was submitted, the Planning Director was consulted as to whether the plan met the requirements of the Chatham County Subdivision Regulations and was told that it did and was adequate to proceed; that the plan is designed to get feed-back early in the process so that you can go on to preliminary plat preparation which has some significant expense. He stated that the sketch plan submitted was for 59 lots; that at the Planning Board meeting, it was agreed to down scale to a maximum of 50 lots; that the information was based on information received from their certified soil scientist and hydrogeologist; that the 50 lot maximum equates to 1.3 acres lot size which is more than 40% larger than required under Chatham County existing laws and regulations; that the location design and operation of the wells and septic systems that will be on the property will occur in accordance with state and county laws and regulations for protection of public health and safety; that there will be provisions for maintenance of undisturbed areas; that the road was built to state standards in October, 1984 and that it is eligible to be considered for maintenance by the state at such time as it met the density requirements; that the Chatham County Cemetery Coordinator and the NC Division of Archives and History had been contacted and an investigation done and recommended that the cemetery not be fenced and maintain a 10' buffer around the cemetery; and that the increased demand on schools will be over an extended number of years.

Questions regarding the road and water issues were raised by unidentified people in the audience and answered by Mr. Davis.

M. J. Christenbury, spoke regarding the road and maintenance thereof and keeping the road private if no further development is done.

Larry Hicks, stated that someone has to address the bacteria in the water in this area; that the filtered systems are probably the cause of the problems in this area; that until the problems are eliminated, further development will make the matter worse; that the information gathered and taken to the Planning Board has either been discarded or ignored. He urged the Commissioners to deny the plat.

Tom Arrington, asked the Board to look wisely at the growth and slow it down in this area.

Nancy Brown, stated that she had called fifteen state and federal agencies, some of whom were concerned about the possibility of contamination of the ground water. She was disturbed that the people she had asked in the Chatham County Environmental Health Department did not know about chlorinated methanes. She stated that the people in attendance were at the meeting because they are worried about their health at the present and in the future.

Peter Kaufman, asked whom he could trust in response to his concerns and if it is not possible to table the request and await a sketch that meets design approval .

Barbara Ford, asked how many developments had been approved within the past twelve months. She stated that she feels that there is blanket approval being made.

Daniel Brunty, a resident of Persimmon Hill, addressed issues of garbage, soil erosion and grave sites and asked how the Commissioners could approve a non-existent sketch map.

Commissioner Grimes asked why the sketch design can't be denied because the Planning Board has recommended that the sketch design be changed to 50 lots and have the developer resubmit design with 50 lots showing temporary turnaround and get some feed back from Health Department regarding their concerns.

Attorney Bob Gunn explained that very often the Board approves sketch design with the understanding that there will be some changes to the preliminary plat because no land disturbing activities can take place until the preliminary plat is approved. Unless all of the issues are addressed, preliminary plat approval will not be given.

John Graybeal, member of the Planning Board, stated that this issue had come before the Planning Board twice and the second time it had been approved; that the citizens had expressed concerns about what the water quality and quantity would be at some indeterminate point in the future; that the more the problem was addressed, the more it was felt that the Planning Board was going to have to go forward to get more information and let the process go on to the next preliminary stage so that both sides would be able to bring in additional information that would be needed to address these questions. He stated that serious consideration was given to the environment and economic impact before approval was given.

An unidentified speaker expressed concern of approval of the sketch design and asked that environmental and economic impact studies be done.

Commissioner Pollard moved to approve the recommendation of the Planning Board for sketch design approval for no more than 50 lots with a temporary turnaround on a stub street to the Burnett property to the north, and that the Health Department address the water concerns, protection of the groundwater supply from contamination and adequacy of the groundwater supply and that the archeological study be done to assure that the cemetery lots are protected from development and that it be designated in the preliminary plat approval.

Will Heiser, Cemetery Coordinator for the Historical Association, stated that his job was to locate, index, and record all information available regarding any specific cemetery. Many cemeteries are found out in the woods and are hard to delineate and approximate definite boundaries. Where there is no definite boundary, he tried to approximate the area that the cemetery covers. The approximation is based on visual inspection of the site, finding how many field stones there are, if they are marked, and if there are sunken graves. He stated that the surveyor is supposed to delineate the cemetery on the ground and on the plat according to state law. If there is sufficient historical significance to the cemetery, the archeological division of state archives can be requested to come and take a look at the area.

Commissioner Wilson seconded the motion. The motion carried four (4) to one (1) with Commissioner Dunlap dissenting.

Request for Sketch Approval of Olde Spring Subdivision: Consideration of a request for sketch approval of Olde Spring Subdivision consisting of 25 lots of 41.6 acres off Old 87 (SR #1520) in Center Township

Barbara Osland, adjacent property owner, stated that there is a concern that the density is too high, and the burden of proof falls upon concerned citizens.

Commissioner Grimes moved that the Planning Department and the Planning Board recommendation of the plat be granted sketch design approval as submitted with the condition that public access designated to state standards be extended to the Harris property with a temporary turnaround constructed to state standards. Commissioner Pollard seconded the motion. The motion carried five (5) to (0).

Request for Sketch Approval of Property of Betty P. Mills Subdivision: Consideration of a request for sketch approval of property of Betty P Mills Subdivision consisting of 2 lots on 1.47 acres on NC #902 in Bear Creek Township

The Chairman called for a five minute break. The meeting was recessed at 10:07 pm.
The meeting reconvened at 10:17 pm.

Betty P. Mills asked the Board if they had any questions. There were none.

Commissioner Grimes moved to grant sketch design approval based upon the Planning Board's recommendation. Commissioner Pollard seconded the motion. The motion carried five (5) to zero (0).

Request for Preliminary Approval of Section One of Phase Eight, The Village of Fearington: Consideration of a request for preliminary approval of Section One of Phase Eight, The Village of Fearington consisting of 73 lots on 58.3 acres in Williams Township

Commissioner Pollard moved that the Planning Department and Planning Board recommendation of the request be granted preliminary approval as submitted with approval of the road names: Ashton, Burwell, Brumley, Langdon, Hatfield, Woodham, and Brookfield. Commissioner Wilson seconded the motion. The motion carried five (5) to zero (0).

University Lake Zoning Change: Consideration of a recommendation by the Planning Board that the 1,700 acres in Chatham County that drains to University Lake in Orange County be zoned from RA-40 (40,000 square feet) back to the previous designation of RA-90 (90,000 square feet)

Commissioner Dunlap moved that the Planning Department and Planning Board recommendation of the proposed zoning change proceed to a public hearing. Commissioner Wilson seconded the motion.

Gerald Featherstone, stated that this was a critical water quality area of University Lake and that it be rezoned to the previous designation of RA-90 with undue haste.

An unidentified person endorsed the reconsideration of the previous designation of RA-90.

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

PUBLIC WORKS

Water/Sewer Issues

Contract Award for Water System Improvements: Consideration of award of contract for water system improvements on SR #1006, NC #902, and SR #1727

Commissioner Grimes moved to recommend that the project construction and installation be awarded to Lee Paving Company, Sanford, NC in the amount of \$128,306.25, with an increase in size of water main size along SR #1727 from 6" to 8", contingent upon the County Attorney's approval of easements on Whippoorwill Lane. Commissioner Wilson seconded the motion. The motion carried five (5) to zero (0).

Contract Award for Purchase of Recyclable Pesticide Container Collection Trailer: Consideration of proposed contract between Chatham County and North Carolina State Department of Agriculture for receipt of assistance grant for purchase of a recyclable pesticide container collection trailer

Commissioner Wilson moved to approve and authorize the County Manager to execute the contract agreement with the North Carolina Department of Agriculture for receipt of an assistance grant for purchase of a recyclable pesticide container collection trailer, a copy attached hereto and by reference made a part hereof. Commissioner Grimes seconded the motion. The motion carried five (5) to zero (0).

ECONOMIC DEVELOPMENT

Pass Through Grant For Moore's Machine Company, Inc.: Consideration of a request from Economic Development Department to allow Chatham County to serve as a pass through for a grant written by Central Electric Membership Corporation on behalf of Moore's Machine Company, Inc.

Commissioner Pollard moved to approve letter agreeing to serve as "pass through" agents for grant funds on behalf of Moore's Machine Company, Inc., a copy of letter attached hereto and by reference made a part hereof. Commissioner Wilson seconded the motion. The motion carried five (5) to zero (0).

BOARDS AND COMMITTEES

Environmental Affairs Board: Consideration of a request to establish an Environmental Affairs Board

John McSween, chairman of the Waste Management Task Force, recommended that the Commissioners establish an Environmental Affairs Board; that he feels that Chatham County needs an organized, efficient, and balanced approach to environmental issues; that presently there is no formal structure to address an increasing

number of environmental issues some of which are Critical Habitat, Cape Fear River Basin Plan, Chatham County Natural Inventories Report, and numerous other issues which do not currently fall under the responsibility of any existing County staff or committee. He stated that an Environmental Affairs Board will be a tool for the Board of Commissioners to act as an advisory committee to perform special studies, projects at the Board's request, support to local governments, and work in a sensitive and cooperative manner to assist local businesses and industries to interpret and understand environmentally related issues, and facilitate citizen participation by providing a public forum for the open discussion and debate of environmental issues in a setting more appropriate than Commissioner meetings.

Commissioner Pollard moved to establish an Environmental Affairs Board but to delay discussion of appointments until a later date. Commissioner Dunlap seconded the motion. The motion carried five (5) to zero (0).

Appointments to the Strategic Plan Development Committee: Consideration of appointments to the Strategic Plan Development Committee

Commissioner Pollard moved to appoint Efrain Ramirez and Dr. Sonya Wilson to the Strategic Plan Development Committee. Commissioner Wilson seconded the motion. The motion carried five (5) to zero (0).

Appointments to the Chatham County Water Advisory Committee: Consideration of appointments to the Chatham County Water Advisory Committee

Commissioner Wilson moved to appoint Ray Greenlaw and Jim Diggs to fill the now vacant positions on the Water Advisory Committee. Commissioner Pollard seconded the motion. The motion carried five (5) to zero (0).

Appointment to the Chatham County Cable Television Committee: Consideration of appointment to the Chatham County Cable Television Committee

Commissioner Wilson moved to reappoint Nicholas Gilles to serve another term on the Chatham County Cablevision Committee, the term to commence immediately and to expire on February 1, 1998. Commissioner Pollard seconded the motion. The motion carried five (5) to zero (0).

Appointment to the Chatham County Housing Authority: Consideration of appointment to the Chatham County Housing Authority

Commissioner Dunlap moved to appoint Lorretta Beane to the Chatham County Housing Authority. Commissioner Grimes seconded the motion. The motion carried five (5) to zero (0).

Appointment to the Council for Women: Consideration of appointment to the Council for Women

Commissioner Wilson moved to appoint Shirl S. Johnson-Turpin to the Chatham County Council for Women. Commissioner Pollard seconded the motion. The motion carried five (5) to zero (0).

Appointment to the Nursing Home Advisory Committee: Consideration of appointments to the Nursing Home Advisory Committee

Commissioner Wilson moved to appoint Betty Harris Lambert and Thelma Turner to the Chatham County Nursing Home Advisory Committee. Commissioner Pollard seconded the motion. The motion carried five (5) to zero (0).

Economic Development Appointment: Consideration of appointment to the Economic Development Committee

Commissioner Wilson moved to appoint Mark McBee as the Chamber representative to the Economic Development Committee. Commissioner Grimes seconded the motion. The motion carried five (5) to zero (0).

Public Hearing Date for Cabletelevision Rate Approval: Consideration of a request to set the date for a Public Hearing for Cabletelevision Rate Approval

Commissioner Pollard moved to set January 30, 1995 for a Public Hearing for Cabletelevision Rate Approval, at the end of the Preliminary Budget Assessment Review in Siler City at 6:30 PM. Commissioner Wilson seconded the motion. The motion carried five (5) to zero (0).

BOARD OF COMMISSIONERS MATTERS

Boards-Commissioners-Terms: Discussion of appointments of Commissioners to Boards and their terms

The Manager explained to the Board that the information which had been given to them contained Commissioners' seats on various County boards. The Board had previously requested this information for review to be able to better reach a decision as to which committee on which they would like to serve. The Manager stated that there were several committees which a Board member has traditionally attended and that some of those, either by resolution or ordinance, require a Commissioner seat. However, he encouraged the Board to think carefully about whether they want to devote time to certain committees, not that they are not important, but that they may wish to set priorities and concentrate more on some committees rather than trying to serve on all committees.

MANAGER'S REPORTS

Due to the late hour, the Manager had no comments but encouraged the Commissioners to read and pay special attention to the Tri-Annual Staff Report sent out in the "Items of Information" packet.

COMMISSIONER'S REPORTS

Commissioner Grimes requested that the Manager and staff do a canvass or study to see if one could be done on use of government services by illegal aliens. He stated that the County needs to know how many illegal aliens are being serviced as clients by County supported agencies and at what cost. He stated that he felt it would be helpful to have this information to forward to our federal representatives as backup information to any decisions they make concerning the use of our services by illegal aliens. He asked if the Health Department or the Department of Social Services could implement a program to do a year's study on the matter.

Commissioner Pollard asked if it was going to be possible to get the present CDBG grant taken care of so that the new one could be applied for.

The Manager stated that he felt that it might be possible but not likely because of the problems encountered within the short time frame which the County had.

ADJOURNMENT

Commissioner Dunlap moved that there being no further business to come before the Board, the meeting be adjourned. Commissioner Wilson seconded the motion. The motion carried five (5) to zero (0) and the meeting was adjourned at 11:17 p.m.

Uva R. Holland, Chairman

ATTEST:

Sandra B. Lee
Clerk to the Board