

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
SPECIAL MEETING, APRIL 24, 1995

The Board of Commissioners ("the Board") of the County of Chatham, North Carolina, met in special session in the District Courtroom, located in the Courthouse Annex, Pittsboro, North Carolina, the regular place of meeting, at 6:00 PM, on April 24, 1995.

Present: Chair Uva Holland, Vice Chair Betty Wilson; Commissioners John Grimes, Margaret Pollard, and Henry Dunlap; County Manager Ben Shivar; County Attorney Robert L. Gunn; and Assistant to the County Manager Renee Dickson

The meeting was called to order by the Chairman at 6:12 PM.

AGENDA

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

The County Manager asked that a travel request for the community transportation exhibition in Portland, Oregon be added as Item #17A.

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

STRATEGIC PLAN COMMITTEE

Howard Stier introduced Efran Ramirez, Joy Johnson-Turpin, Dave Smith, and Ray Greenlaw as members of the Strategic Plan Committee. He stated that their purpose is to review what they have done and the needs of the committee, where they are going, receive questions from Commissioners, reaffirm Commissioner support, and put the committee into perspective.

Mr. Stier stated that members believe there is a strong need for strategy, which is a means for determining the future and is a way to provide efficient use of resources; that the group is composed of eleven members who know past efforts have not been successful and are determined not to repeat these failures; that the committee needs a great deal of assistance and input from towns, non-profits, citizens, Commissioners, County Manager, and County staff. He emphasized that the committee needs the support of the Board and he wants it to be reaffirmed so that the public knows the County gives full support; that the committee needs to have a realistic vision and from that develop a series of goals which reflect current needs and opportunities; that it needs to develop objectives and criteria for its goals; that policies will be developed to govern decisions; that the committee would like to produce a comprehensive development plan; that the committee was developed as an implementation committee for Chatham Action Now (CAN) which looked at the use of resources other than County government; and that the committee is accountable to the Board of Commissioners. He stated that the committee has two processes to develop vision and actions; that in the process of gathering information from agencies and groups, they will define needs of the County and build upon the vision and goals; that using the CAN report as a base, they will prioritize and schedule actions and decide how to implement them; that the committee has needs as it is currently a volunteer organization; that the needs include a staff to collect data, communicate, and reach out to the community, and computer equipment, and office space which can be accessed at night; and that the cost of this will run approximately \$32,000 through the fiscal year 1996.

After comments and questions from the Commissioners, Chairman Holland stated that the Board of Commissioners would get back with Mr. Stier regarding the two Commissioner appointments to the joint planning session.

Chairman Holland called for a five minute recess. The meeting was reconvened at 7:15 P.M.

CONSENT AGENDA

The Chairman directed the Assistant to the County Manager to read the Consent Agenda.

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

1. **Minutes:** Consideration of approval of Board Minutes for Regular Meeting held April 10, 1995

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

2. **Naming of Private Roads in Chatham County:** Consideration of a request from citizens for the naming of the following private roads:

- | | |
|------------------------|-----------------------|
| 1) Paul Green Road | 6) Morning View Drive |
| 2) Percy Griffin Road | 7) Dowd Hill Drive |
| 3) Indian Orchard Road | 8) Bailey Way |
| 4) McLeod's Way | 9) Nana's Way |
| 5) Green Acres | 10) Walden Road |

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

3. **Out-of-State Travel for Home Health Nursing Supervisor:** Consideration of approval of out-of-state travel for Jackie Griffin, Home Health Nursing Supervisor, to attend the 1995 National Association of Home Care in Hilton Head, SC from July 12-14, 1995

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

END OF CONSENT AGENDA

PUBLIC INPUT SESSION

Scott Barber, 924 Chapel Hill Road, Pittsboro, NC, a representative of the Chatham Political Reform Group, stated that he, along with several members of the workers support organization Helping Hands, attended the meeting with the Commissioners at Townsends, Inc. on March 15, 1995. He stated that he was told by Townsend employees that it was not a public meeting. Mr. Barber stated that the meeting was public because four or more Commissioners were present; that he knows such meetings are illegal and access to all citizens should be insured. He advised the Board to decline invitations where public is excluded and asked that at all meetings and agendas be clearly posted.

Chairman Holland stated that the meeting was publicized and called upon the County Manager to clear up any misunderstanding that might have taken place.

Ben Shivar, County Manager, stated that there was some misunderstanding by Townsends; that the meeting was duly advertised; that the Clerk checked with Townsends on more than one occasion to make sure they understood it was a public meeting.

Commissioner Grimes stated that three members were considered a quorum and constituted a meeting.

Mr. Shivar stated that an invitation to a private company, such as the Townsends meeting was public and informed Mr. Barber that notices had been posted in the Manager's Office and on the courthouse bulletin board.

Barbara Lorie, PO Box 841, Pittsboro, NC, stated that there are three bills which have been introduced in the legislature regarding hog farms. The first, House Bill 524, is an act to protect the public health by regulating the management and disposal of animal waste by intensive hog operations; that it appears E-Coli bacteria in rivers is coming from hog farms; the second, House Bill 523, is an act to amend the zoning laws to clarify county authority to regulate by ordinance intensive hog operations to protect the health, safety or welfare of county citizens and the peace and dignity of the county; that this bill gives authority to Commissioners to regulate hog farms; the third, Senate Bill 394, is an act to amend the zoning laws to clarify county authority to regulate by ordinance intensive hog operations to protect the health, safety, or welfare of county citizens and the peace and dignity of the county; that this bill concerns zoning of hog farms. She asked the Commissioners to pass a resolution in support of the passage of these bills.

PRESENTATIONS BY APPEARANCE COMMISSION

Presentation of Annual Report by Appearance Commission

Chris Ketchel, stated that the commission has been in existence three years; that their largest effort is the Appearance Awards. He displayed the County welcome sign which will represent the County at major entrances and stated that the commission needs help in finding a location for the entrance sign; that the highway sign ordinance requires that the Commissioners adopt the sign as an official sign of Chatham County in order for it to be erected on private property and asked that the Commissioners participate when the sign is erected.

Mr. Ketchel recognized and thanked Renee Dickson as secretary for the commission and liaison to the County. He stated that the commission would like to be able to build on the communication with County government; that the commission currently has a nine-member committee with three vacancies; that the commission has increased the number of meetings it holds to one meeting per month to make it more effective.

Presentation of Awards by Appearance Commission

Mr. Ketchel stated that the nominations for the annual appearance awards were Carolina Meadows, Chatham Carpet & Interiors, Haw River Baptist Church, Surecraft Jewelers, Sheffield Lumber & Pallet Company and Southern Supreme Nutty Fruitcakes. He presented special recognition awards to Southern Supreme Nutty Fruitcakes and Sheffield Lumber & Pallet Company, Inc. for best examples of general community beautification.

Chairman Holland congratulated the winners on their awards.

Commissioner Wilson moved that the sign be adopted as the official sign and that it be placed appropriately according to the ordinances of the Department of Transportation. Commissioner Pollard seconded the motion. The motion carried five (5) to zero (0).

PLANNING AND ZONING

Zoning and Ordinance Amendments

Request for an Amendment to an Existing Conditional Use Light Industrial District with a Conditional Use Permit by George W. Barrett, Jr.: Consideration of a request by George W. Barrett, Jr. for an amendment to an existing conditional use light

industrial district with a conditional use permit for a blacksmith shop to increase the acreage to 9 acres and add the following uses:

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|----|--------------------|----|------------------|
| a. | printing | e. | coffee roasting |
| b. | storage warehouses | f. | food roasting |
| c. | upholstery | g. | leather goods |
| d. | woodworking shops | h. | office buildings |

Commissioner Grimes moved that the Commissioners make the five required findings and approve the expansion of the Light Industrial Conditional Use District as requested from 6 acres to approximately 9 acres and that the five required findings be made and approval granted for the conditional use permit request for the following eight uses:

- 1) Bookbinding and publishing
- 2) Woodworking and millwork
- 3) Leather goods
- 4) Coffee roasting (wholesale)
- 5) Bakery (wholesale)
- 6) Candy manufacturing (wholesale)
- 7) Office building
- 8) Storage buildings

and continuation of the previously established conditions 1 and 2 listed below and condition #3:

- 1) Maximum building coverage of lot not more than 10%
- 2) Maximum building coverage of 6% without installation of stormwater management devices to handle first 1/2 inch of runoff
- 3) There shall be no discharge of toxic hazardous substances on/or into the land

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

Request for a Conditional Use Light Industrial District with a Conditional Use Permit by Sprint Cellular: Consideration of a request by Sprint Cellular for a conditional use light industrial district with a conditional use permit for a communications tower on the east side of SR #1910 (New Elam Church Road) in New Hope Township

Commissioner Pollard moved to approve the request based on the site plan submitted with the condition that the existing vegetation remain undisturbed for a distance of 50 feet from the property lines except as necessary for an access road and tower support wires and that a letter of agreement be received from Sprint stating that the tower be available to present and future cellular users. Commissioner Wilson seconded the motion.

Commissioners Grimes suggested that motion be broadened to include all who could use the tower.

Commissioner Pollard stated that she would like to avoid proliferation of towers throughout the County and that anyone licensed to serve Chatham should be given the opportunity to do so and that future providers of cellular service be able to use the towers.

The County Attorney suggested a delay in the vote until he can develop appropriate language.

Commissioner Pollard moved to support the recommendation of Planning Department and Planning Board to approve the request based on the site plan submitted with the condition that the existing vegetation remain undisturbed for a distance of 50 feet from the property lines except as necessary for an access road and tower support wires and that the applicant must provide a written statement agreeing that it will design the tower for additional cellular providers consistent with industry standards and will agree to lease space on the tower to licensed cellular providers, if requested, at the prevailing market rates. Commissioner Wilson seconded the motion. The motion carried five (5) to zero (0).

Request for a Conditional Use Business District with a Conditional Use Permit by The Carlyle Group, Inc.: 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

Cynthia Bland, attorney representing The Carlyle Group, Inc. stated that the group has communicated with commercial neighbors, Governor's Club and Carolina Meadows, to discuss potential problems; that some have had a problem with the broad wording of the conditional use permit; that it is unclear about what type of commercial development the community will support; that this is the reason for the broad scope of the permit; that one of the things not agreed upon was the driveway permit; that issues raised by the Board regarding traffic accidents on #1008 were not documented accidents; that the permit is a decision of the Department of Transportation, not the Board of Commissioners; that another concern is security of the area; that the Carlyle Group, Inc. already has security in Nature Trail Mobile Home Park and this would be extended and expanded in connection with any commercial development that would be done on the state road.

Nancy Hubert, Vice President of The Carlyle Group, Inc. stated that they had attempted to rezone the corner parcel eight years ago and were turned down; that there had been a lot of growth in the area; that there are very few services in the area; that the commercial business is needed to meet a variety of needs of varying socio-economic groups and ages; that they have already met with Governor's Club and Carolina Meadows regarding their concerns.

Ms. Hubert stated they might poll residents in the community to see what uses would be preferred by the community. Commissioner Pollard suggested that after the polling of residents would be a more appropriate time to request conditional use with more narrowly defined uses.

Ms. Hubert stated that because the company is small, it would rather have approval from the Commissioners before it expends a great deal of resources on this project.

Keith Megginson, Planning Director, stated that the Planning Board looked at uses that are similar with similar impacts. He stated there would not be a great deal of difference between uses proposed. He encouraged the Board not to restrict uses so that the company has to come back before the Board each time.

Commissioner Pollard stated that the two uses that concerned her were convenience store and video rental; that she had received telephone calls regarding them; that she would be prepared to approve the permit if

these two uses were deleted due to the intensity of use in retail/commercial area.

Commissioner Grimes asked about security.

Ms. Hubert stated that The Carlyle Group, Inc. had one person who worked staggered hours to monitor the entrance to the mobile home park. Ms. Hubert stated that security would be increased if the permit is approved.

Commissioner Dunlap moved that the 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 be granted and that the five findings be made and the plan be approved as submitted with the following conditions:

- 1) Along the west side of the property shall be provided opaque visual screening either man-made or vegetative. Man-made screening shall be a minimum of six feet in height. Vegetative screening shall not be less than two feet in height at the time of planting and be of a variety that is expected to grow to a height of six feet within four years.
- 2) Along the north side of the property shall be constructed opaque man-made screening a minimum of six feet in height. The screening shall have two feet of lattice above the six feet solid screen. The design submitted is acceptable.
- 3) Construction shall begin within twelve months of approval or the zoning shall revert to the original district.
- 4) The site plan is approved as revised to meet the 36% impervious limit and the Department of Transportation approval of entrance(s) onto S.R. #1008.
- 5) The trees shown along S.R. #1008 and Nature Trail be maple and oak species located as shown, with a minimum size of 3" caliper and a few dogwoods or other small ornamentals; that the location of some trees may need to be further from the road for site triangles; that along the east and southeast side of the parking area, shall be provided opaque visual vegetative screen not less than two feet in height at the time of planting and be of a variety that is expected to grow to a height of 6 feet within four years; that the Governor's Club has requested that the north entrance drive be eliminated if this plan is implemented or the north drive entrance shall be a right turn only with a physical barrier to exit onto S.R. #1008; that any signage shall be similar in design to existing sign and approved by the Planning Director in accord with the ordinance.

Commissioner Wilson asked to hear from Carolina Meadows.

A representative of Carolina Meadows stated that they share some concerns about the driveway entrance but were, in general, receptive.

Ms. Hubert stated that she would be concerned about the right-turn entrance only; that she would be interested in hearing what the Department of Transportation had to say regarding the matter; that she doesn't anticipate that the traffic will be a serious hazard to negotiating in that area; that without entrance onto Mt. Carmel Church Road, she doubted the owner would feel he could have successful development.

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

Sketch Design Review

Request for a Subdivision Sketch Approval for Glenridge Subdivision: Consideration of a request by Musigny, Inc. for subdivision sketch approval for Glenridge Subdivision consisting of 7 lots off SR #1534 in Baldwin Township

Commissioner Pollard moved to support the Planning Department and Planning Board recommendation and approve the request with the revision shown allowing for the future subdivision of large lots and for the opening of streets in the future. Commissioner Wilson seconded the motion. The motion carried five (5) to zero (0).

Request for Subdivision Sketch Approval for River Ridge Subdivision: Consideration of a request by David Thompson for subdivision sketch approval for River Ridge Subdivision consisting of 16 lots on 42 acres off SR #1300 and SR #1346 in Albright Township

Commissioner Grimes asked about the County's watershed ordinance. He stated that he had heard complaints regarding the minimum five-acre lot sizes during the Board of Equalization and Review because people could neither sell property nor build on it due to there being less than five acres. The Board discussed the watershed ordinance. Keith Megginson, Planning Director, stated that it did not apply to preexisting lots. Commissioner Grimes stated that this should be publicized because people need to know this.

Commissioner Grimes moved that the recommendation of the Planning Department and Planning Board be approved and that the plat be granted sketch design approval and that lots 1-12 be considered vested for the following reasons:

- 1) purchased land for development
- 2) surveyed entire property
- 3) preliminary plan was prepared
- 4) property lines surveyed and staked (1-12 lots)
- 5) paid fee to County Health Department for evaluation
- 6) employed someone to coordinate with Health Department to perk land
- 7) prepared financial analysis based on one acre minimum lot size
- 8) received final approval for lots 1,2,3,4, and 12)

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

Preliminary Plat Review

Request for Preliminary Approval of Olde Spring Subdivision: Consideration of a request for preliminary approval of Olde Spring Subdivision consisting of 17 lots on 41.6 acres off Old 87 (SR #1520) in Center Township

Commissioner Pollard moved to grant preliminary approval to the plan as submitted with a public right-of-way provided by the developer to the Harris property on the 12 acre lot north of the Olde Spring Subdivision and approval of the road name, "Olde Farm Road." Commissioner Wilson seconded the motion. The motion carried five (5) to zero (0).

LIBRARY

Request for Funds Acceptance: Consideration of a request for funds acceptance for Chatham County Public Libraries from the State, Budget Amendment #40

Commissioner Wilson moved to approve the library's request to accept additional state funds in the amount of \$3,186.00 for the current budget year and to apply these funds toward the purchase of capital equipment and to approve **Budget Amendment #40**. Commissioner Pollard seconded the motion. The motion carried five (5) to zero (0).

Request to Apply for Funds from Federal Government: Consideration of a request by the Library to apply for funds from the federal government through the Library Services and Construction Act (LSCA) grant for budget year 95-96

Commissioner Pollard moved to approve the library's request to apply for federal LSCA funds for FY 1995-96. Commissioner Wilson seconded the motion. The motion carried five (5) to zero (0).

Resolution Supporting Aid to Libraries: Consideration of resolution supporting aid to libraries

Commissioner Wilson moved to adopt **Resolution #95-18 Supporting Aid to Libraries**. Commissioner Grimes seconded the motion. The motion carried five (5) to zero (0).

COUNCIL ON AGING

Request to Amend the Chatham County Council on Aging Budget: Consideration of a request to amend the Chatham County Council on Aging budget to move funds from Chore to the unappropriated line item to fund social worker and correct error from last year, Budget Amendment #41

Commissioner Wilson moved that the Chore line item in the Chatham County Council on Aging be reduced by \$20,000 and the unrestricted appropriation line item be increased by \$20,000 with ten-twelfths of the funds being paid in the next cycle and the remainder being paid month by month for the remainder of this fiscal year and approval of **Budget Amendment #41**. Commissioner Dunlap seconded the motion. The motion carried five (5) to zero (0).

Appointments/Deletions to the Community Care Block Grant Committee: Consideration of a request to make two appointments to the Community Care Block Grant Committee and Deletion of two members on committee

Commissioner Grimes moved to appoint E. T. Hanner and Alton Campbell to the Home and Community Care Block Grant Committee in place of Annie Margaret Hart and Norma Diggs. Commissioner Dunlap seconded the motion. The motion carried five (5) to zero (0).

Transportation Conference:

Mr. Dan Stroupe stated that the Mass-Transit Expo will be held in Portland, Oregon; that they will cover training issues that will be relevant to the County as consolidation of human service transportation is pursued; that the consultant that conducted seminar with Community Transportation Association of America suggested that representatives from the committee attend the conference; that the issues to be covered include the drug-free workplace and other safety training.

Cassie Wasko stated that the consultant said the committee needed an intensive training before consolidated system is implemented.

Commissioner Grimes stated that Community Transportation Association of America is paying for two consultants to assist the Human Service Board in studying consolidation and recommended that representatives attend the conference. Commissioner Grimes stated that the person attending should be a County employee since the County is paying for it and that the person who attends should take a lap-top computer to conference.

Commissioner Grimes moved that Cassie Wasko be allowed to attend the transportation conference. Commissioner Pollard seconded the motion. The motion carried five (5) to zero (0).

Ben Shivar stated that funding for this would have to come from the County fund balance and the Board would have to adopt a budget amendment at a later date.

SHERIFF'S DEPARTMENT

Contract Medical Services for Jail: Consideration of a contract for medical services for the Chatham County Jail

Commissioner Grimes moved to approve the proposed contract with Dr. James D. Strickland with the changes as recommended by the County Attorney, a copy 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

Appointment to Orange-Person-Chatham Mental Health, Developmental Disabilities and Substance Abuse Authority: Consideration of appointment of Commissioner to the Orange-Person-Chatham Mental Health, Developmental Disabilities and Substance Abuse Authority

Commissioner Pollard moved to appoint Commissioner Betty Wilson to the Orange-Person-Chatham Mental Health, Developmental Disabilities and Substance Abuse Authority. Commissioner Grimes seconded the motion. The motion carried five (5) to zero (0).

Appointment to the Transportation Advisory Committee: Consideration of appointment of Commissioner to the Transportation Advisory Committee

Commissioner Wilson moved to appoint Commissioner John Grimes to the Transportation Advisory Committee. Commissioner Pollard seconded the motion. The motion carried five (5) to zero (0).

BOARD OF COMMISSIONERS' MATTERS

Cable Rates: Consideration of a request to consider cable rates

Ben Shivar asked the Board of Commissioners to make two motions -- one to approve Cencom and one to approve Time-Warner. He stated that this item was considered recently after a budget public hearing held in Siler City; that the Board does not have a great deal of discretion to regulate rates; that they can only regulate basic tier of services and equipment rental and installation rates; that this allows local governments to apply standards. He pointed out rates for Pittsboro and Chapel Hill areas are different due to the two headends that come into the County, that while they are part of one company, they are actually two separate systems. He stated that the Time Warner rates are within the law.

Commissioner Pollard moved to adopt rates by Time Warner at a rate of \$10.06 for Pittsboro and \$7.58

for Chapel Hill. Commissioner Wilson seconded. The motion carried five (5) to zero (0).

Commissioner Wilson moved to adopt the order regulating basic service rates for Charter Communications. Commissioner Pollard seconded the motion. The motion carried five (5) to zero (0).

MANAGER'S REPORTS

Ben Shivar, County Manager stated that a report regarding County services to illegal aliens will be available at the next meeting.

He also advised the Commissioners of an upcoming meeting at which the County will appear before the State Utilities Commission to ask for consideration of a tie-in with Research Triangle Park, Raleigh, Apex, and Cary for telephone service. He stated that the meeting will be held on Monday, May 1, 1995 at 10:00 A.M.

Chairman Holland instructed the Manager to contact Dr. Larry Mabe, Superintendent of Chatham County Schools, to get a letter of support regarding the telephone service tie-in.

Chairman Holland asked that the Manager have information to present to the Board on impact fees to be implemented if approved by the Legislature. Mr. Shivar stated that he did not believe an impact fee study could be done in-house and that the County would need to hire a consultant. He stated that this would be included as part of the FY 95-96 budget request.

The Manager reminded the Commissioners of the Association of County Commissioners Legislative Briefing to be held in Raleigh on May 3, 1995.

COMMISSIONER'S REPORTS

Commissioner Wilson stated she was impressed with the Harris Nuclear Plant Drill organized by Tony Tucker and his staff. She asked that a letter be sent commending him for his efforts.

The Manager also commended the Board of Commissioners for attending the drill. He stated that evaluators had noted the Board's presence and that this would positively affect the County's evaluation.

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 9:56 P.M.

Uva R. Holland, Chairman

ATTEST:

Sandra B. Lee
Clerk to the Board