

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING, JUNE 21, 1999

The Board of Commissioners ("the Board") of the County of Chatham, North Carolina, met in special session in the District Courtroom, located in Pittsboro, North Carolina, at 7:00 P.M. on June 21, 1999.

Present: Chair Rick Givens; Vice Chair Uva Holland, Commissioners Margaret Pollard, Carl Outz, and Gary Phillips; County Manager, Charlie Horne; County Attorney, Robert L. Gunn; Finance Officer Vicki McConnell; and Clerk to the Board, Sandra B. Lee

The Chairman called for a motion to reconvene the meeting from the earlier budget work session.

Commissioner Holland moved, seconded by Commissioner Outz, to reconvene the meeting. The meeting was reconvened at 7:02 PM.

AGENDA

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

The County Manager asked that the following items be removed from the Consent Agenda and placed on the Regular Agenda following the Public Input Session:

- that Item #8B, request by SBA, Inc. for Albert and Dorothy Vestal for a communication tower on 21.648 acres, off SR #1312 [Grady Siler Road], in Albright Township (Site #3);
- that Item #8C, request by SBA, Inc. for Jerry A. Buie for a communication tower on 42.577 acres, off SR #1106 [Stockyard Road], in Matthews Township (Site #4);
- that Item #8E, request by SBA, Inc. for Claude J. Heard for a communication tower on 43 acres, off US #64, in Hickory Mt. Township (Site #9);

The County Manager also asked that Item #11 on the Regular Agenda, County Communication Tower Search Area Plan, be moved to the Consent Agenda as Item #7A.

Commissioner Pollard moved, seconded by Commissioner Outz, to approve the Agenda with the noted requests. The motion carried five (5) to zero (0).

CONSENT AGENDA

- Commissioner Pollard seconded by Commissioner Phillips, to approve the items listed on the Consent Agenda as follows:

1. **Minutes:** Consideration of approval of Board Minutes for Budget Input Sessions held May 24, 1999, May 25, 1999, and May 26, 1999 and Regular Meeting held June 07, 1999

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

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

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

3. **Revision to Planned Unit Development:** Consideration of a request by Fitch Creations, Inc. for a revision to the existing Planned Unit Development for the **Village of Fearington** and to add a "Center for Living", off Hwy. #15-501 North, in Williams Township

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

4. **Revision to Existing Conditional Use Permit:** Consideration of a request by **Glenwood Development Company, L.L.C.** for a revision to the existing Conditional Use Permit [for a shopping center], for the installation of a "Lowes Foods To Go" sign and a "Commons Area" monument sign, on approximately 12 acres, off US #15-501 North, in Williams Township

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

5. **Conditional Use Light Industrial District:** Consideration of a request by **American Tower** for Rodney E. and Cherene Dawson for a Conditional Use Light Industrial District and a Conditional Use Permit for a communication tower on 1.65 acres, off US #15-501 North, in Baldwin Township (Site #1)

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

6. **Industrial Discards Project Grant:** Consideration of a request to approve an extension of the Industrial Discards Project (IDP) Grant

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

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

- A. **Heavens Manna Church Road**
- B. **Long View Drive**
- C. **Margarets Circle**
- D. **Mistake Way**
- E. **Sandwood Drive**

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

- 7A. **County Communication Tower Search Area Plan:** Consideration of a request to approve the County Communication Tower Search Area Plan

The motion carried five (5) to zero (0) that the Planning Board and Planning Department recommendation be approved for the tower plan for search area sites #2, #3, #4, #5, #6, and #9 with the condition that the Town of Siler City not object to sites #3 and #4 on or before the meeting on June 21, 1999 and that search areas #7 and #8 be denied.

8. **Communication Tower Site Requests:**

- A. Request by SBA, Inc. for Ben Shropshire for a communication tower on 18.35 acres, off SR #1551 [Wile Road], in Hadley Township (Site #2)

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

- ~~B. Request by SBA, Inc. for Albert and Dorothy Vestal for a communication tower on 11.648 acres, off SR #1312 [Grady Siler Road], in Albright Township (Site #3)~~

This item was removed from the Consent Agenda and placed on the Regular Agenda.

- ~~C. Request by SBA, Inc. for Jerry A. Buie for a communication tower on 42.577 acres, off SR #1106 [Stockyard Road], in Matthews Township (Site #4)~~

This item was removed from the Consent Agenda and placed on the Regular Agenda.

- D. Request by SBA, Inc. for Bruce Hall for a communication tower on 1.760 acres, off US #421, in Bear Creek Township (Site #5)

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

- ~~E. Request by SBA, Inc. for Claude J. Heard for a communication tower on 43 acres, off US #64, in Hickory Mt. Township (Site #9)~~

This item was removed from the Consent Agenda and placed on the Regular Agenda.

END OF CONSENT AGENDA

PUBLIC INPUT SESSION

Rev. Brian Thompson, 4 Winterberry Way, Chapel Hill, NC, stated that he represented a group called "CRISIS-Chatham" which stands for Correcting Racial Injustices for Success in Society. He stated that on July 4, 1999, CRISIS-Chatham will file a complaint with the Office of Civil Rights, United States Department of Education alleging racial discrimination by the Chatham County Schools against minorities in Chatham County; that they met with the Chatham County Board of Education and not taken seriously; that CRISIS-Chatham will strive to keep the Board of Commissioners

informed as they work with investigators because they believe the Board has ultimate funding responsibilities; that they regret that they have to file the complaint; that it is evident that the Chatham Schools leadership does not grasp the fact that there is a crisis for minorities in Chatham County. A letter presented to the Clerk to the Board is attached hereto and by reference made a part hereof.

Jimmy M. Perry, 387 Pleasant Court, Pittsboro, NC, voiced concern with regard to the severe dip in the road in the south-bound lane of Hwy. #15-501 at the Hwy. #64 new bypass intersection. He expressed concern for the safety of those traveling on the road.

PLANNING AND ZONING

Keith Megginson, Planning Director, stated that the following three sites are specific sites for cellular towers; that B and C are located north of Siler City; that the Town of Siler City has stated that they may have difficulty with those tower sites regarding future plans for the airport; and that they have asked for time to have input into those two specific sites before the Board moves forward with them.

B. Request by SBA, Inc. for Albert and Dorothy Vestal for a communication tower on 11.648 acres, off SR #1312 [Grady Siler Road], in Albright Township (Site #3)

C. Request by SBA, Inc. for Jerry A. Buie for a communication tower on 42.577 acres, off SR #1106 [Stockyard Road], in Matthews Township (Site #4)

Chairman Givens called for a motion to table the two requests.

Commissioner Outz moved, seconded by Commissioner Holland, to delay action on this issue for a month. The motion carried five (5) to zero (0).

E. Request by SBA, Inc. for Claude J. Heard for a communication tower on 43 acres, off US #64, in Hickory Mt. Township (Site #9)

Cindy Perry, representing several clients along the Highway #64 corridor between Pittsboro and Siler City who are concerned about the number of cellular phone tower placements in the area. She stated that her clients strongly object to the placement of the tower on the Heard property; and that it is their understanding that a secondary site on the Clark Poultry Farm is available which would give approximately the same coverage without impacting the neighbors negatively. She stated that she appreciates the work the Board did at its last meeting regarding the McDaniel site, trying to accommodate as many uses as possible on one tower.

Jim Hilton, representing General Tower, L.C., stated that they came in to help reduce the number of towers in the area; that they looked at the Bruce McDaniel site and it fits the pattern for PCS service; that they had expanded coverage in Pittsboro and Siler City; and that they are following the County's requirements for towers.

Katherine Wilkins, representing SBA, stated that this issue has been up for discussion many times and no opposition was raised; that the sites were assessed in great detail; and that she objected to this item being tabled, and hoped it would be voted on favorably that evening.

Commissioner Outz moved, seconded by Commissioner Phillips, to table this issue for further study. The motion carried five (5) to zero (0).

PLANNING AND ZONING

Public Hearing:

Replacement of Existing Communication Tower: Public hearing to receive public comments on a request by James P. Hilton, **General Tower, L.C.**, for Bruce and Becky McDaniel, for the replacement of an existing communication tower on approximately 8.787 acres, off US #64 on SR #1503 [Harold Hart Road], in Hickory Mt. Township

James P. Hilton, representing General Towers, L.C., stated that they were in compliance with the County; and that this site will accommodate multiple carriers.

Bruce McDaniel, stated that approximately seven years ago he had a 180' tower; that he was approached three years ago about putting an 800 MHz repeater on his tower, and that to do so, he would need to build on to make it 300'; that at the time he did not obtain a building permit; that it is a safe tower; that he was approached again by Chatham Concrete about another transmitter that would require him to add an additional 30 feet to the tower; that last May CP &L approached him about using his site as well. He further stated that the tower is safe; and that it is serving many different users in Chatham County, including the two major power companies.

An additional letter received by the Clerk to the Board in response to the public hearing on this matter is attached hereto and by reference made a part hereof.

HISPANIC LIAISON PRESENTATION

- **Hispanic Liaison Presentation:** Presentation by the Hispanic Liaison by Ilana Dubester, Executive Director

Ilana Dubester, Executive Director, stated that the Hispanic Liaison is a non-profit, charitable organization founded in May, 1995; that their purpose is to facilitate communication and access of services for Spanish-speaking individuals and families through interpreting, translating, and specialized education. She stated that she had been asked by the Governor of North Carolina, Jim Hunt, to serve as one of the fifteen members to serve on the Advisory Council on Hispanic/Latino Affairs. She reviewed services offered to the Latino community and to organizations and answered questions from the Board.

PLANNING AND ZONING

Conditional Use Permits: Discussion of possible amendment to the County zoning ordinance concerning time limits on conditional use permits if not started

Commissioner Phillips stated that he wanted the Board of Commissioners to retain their ability to place any time limits they desired on conditional use permits, but that it made him uncomfortable to not have any time limits whatsoever. He proposed the draft language, "Unless the Commissioners specifically provide for a different time period in the resolution approving a conditional use permit, any conditional use permit and any permits issued pursuant to the granting of the conditional use permit is not started within twenty-four (24) months of the date the Commissioners approved the

conditional use permit.” He asked that this issue return to the Planning Board for their recommendation.

PUBLIC WORKS

Utilities

Hinton Road Waterline Extension Project: Consideration of a request to approve the Hinton Road Waterline Extension Project

Commissioner Phillips moved, seconded by Commissioner Holland, to approve the Project Ordinance Concerning the Hinton Road Project, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Backup Electrical Power Generation: Consideration of a request to approve backup electrical power generation for water and wastewater system facilities

Commissioner Pollard moved, seconded by Commissioner Outz, to approve the Project Ordinance Concerning the Backup Electrical Power Generation Water and Wastewater Systems Facilities with the provision that other sources and avenues (i.e. federal surplus) be investigated and/or researched as to the availability of generators, and to approve Hobbs, Upchurch & Associates, P.A. contract in the amount of \$23,500.00. Copies of the project ordinance and contract are attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Solid Waste

Landfill Compliance Boundary Project: Consideration of a request to approve the project concerning the Partial Landfill Compliance Boundary Project

Commissioner Phillips moved, seconded by Commissioner Holland, to approve the Project Ordinance Concerning the Landfill Compliance Boundary Project, and that qualified engineers from local universities be contacted to perform engineering services. A copy of the project ordinance is attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

MANAGER’S REPORTS

The County Manager informed the Commissioners of the following:

- 1) **Budget Work Session** – Next meeting to be held on Tuesday, June 22, 1999 at 9:00 AM in the Henry H. Dunlap, Jr. Classroom.
- 2) **Revenue Bill** - Chatham County’s revenue bill will be on the floor of the General Assembly on the afternoon of June 22, 1999. The Delegation has suggested County representation.

COMMISSIONERS’ REPORTS

There were no Commissioners' reports.

RECESS

-
Commissioner Outz moved, seconded by Commissioner Holland, that the meeting recess until Tuesday morning, June 22, 1999 at 9:00 AM. The motion carried five (5) to zero (0), and the meeting was recessed at 8:06 PM.

Rick Givens

ATTEST:

Sandra B. Lee, Clerk to the Board
Chatham County Board of Commissioners