

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING, OCTOBER 18, 1999

The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met in the District Courtroom, located in Pittsboro, North Carolina, at 7:00 PM on October 18, 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; Assistant County Manager, Reneé Dickson; Finance Officer, Vicki McConnell; and Clerk to the Board, Sandra B. Lee

The meeting was called to order by the Chairman at 7:05 PM.

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

Commissioner Pollard referred to Item #13, **Sketch Design Review of “The Harris Tract”**, and asked that the County Attorney address the issue due to the last paragraph in the letter sent to the Governing Board indicating that the project should again go through the approval process in order to be brought before the Board of Commissioners.

Commissioner Phillips asked the County Attorney to formally excuse himself from making comments due to a conflict of interest. Mr. Gunn asked Commissioner Phillips why he perceived a conflict existed. Commissioner Phillips stated that the conflict was because Mr. Gunn, as County Attorney, had represented the County in two courts in litigation which followed the Board’s approval of Astoria. Commissioner Phillips stated he felt that representation put Mr. Gunn in an unacceptable, untenable position. He stated that his request was not meant to be a reflection on Mr. Gunn nor his work, but strictly as a procedural request.

The County Attorney explained that if he were to take a position on the matter contrary to the one he has previously taken, he would withdraw. He stated that although his position is not contrary to the one he has previously taken, he would withdraw if that is the desire of the Board which he represents. He further stated that he understands that what is before the Board is a request for sketch design approval; that under the County’s subdivision regulations, if the request meets the zoning requirements and certain other requirements, it does not require a lot of the details at this point; that at subsequent stages such as preliminary approval and final approval, details are filled in; and that he does not see anything which would require a different procedure at this point.

The County Manager asked that consideration to adopt Chatham County Educational Facilities Impact Fee Ordinance be added to the Agenda as Item #12A.

The County Attorney asked that consideration to authorize the County Attorney to bring appropriate action to abate nuisance of Bynum Mills be added to the Agenda as Item #18A.

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

CONSENT AGENDA

Commissioner Phillips asked that Item #8, **Preliminary Design Approval of Wilder Ridge** be removed from the Consent Agenda and placed on the Regular Agenda for discussion.

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

1. **Minutes:** Consideration of approval of Board Minutes for Regular Meeting and Work Session held September 20, 1999

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

2. **Resolution Fixing Time and Place of Regular Meetings for Calendar Year 2000:** Consideration of a request for approval of **Resolution #99-29 Fixing the Time and Place of Its Regular Meetings for Calendar Year 2000**, attached hereto and by reference made a part hereof.

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

3. **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).

4. **Funds Acceptance for Health Department:** Consideration of a request to accept additional Smart Start funds in the amount of \$847 allocated by the Chatham County Partnership for Children to the Health Department for the He Cares Program

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

5. **Funds Acceptance for Health Department:** Consideration of a request to accept additional Smart Start funds in the amount of \$29,927 for the Madres a Madres (Madres)/Aprendiendo con Mama (ACM) and We Care/He Cares Programs within the Health Department

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

6. **Medicare Rate Change:** Notification of change in 1999 Medicare rates for flu vaccine, a copy attached hereto and by reference made a part hereof.

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

7. **Bad Debt Write-Off for Health Department:** Consideration of a request to approve a bad debt write-off for the Health Department, attached hereto and by reference made a part hereof.

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

8. ~~**Preliminary Design Approval of Wilder Ridge:** Consideration of a request by H & A Properties, Inc. for subdivision preliminary design approval of “Wilder Ridge” consisting of 17 lots on 25.79 acres off SR #1721 [Lystra Road] in Williams Township~~

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

END OF CONSENT AGENDA

PLANNING AND ZONING

Preliminary Design Approval of Wilder Ridge: Consideration of a request by H & A Properties, Inc. for subdivision preliminary design approval of “Wilder Ridge” consisting of 17 lots on 25.79 acres off SR #1721 [Lystra Road] in Williams Township

Commissioner Phillips expressed concern with regard to the approval of lots under two acres of size due to the failure of septic systems without looking realistically at what the best of soils can bear.

The Planning Director explained that the subdivision meets the requirements of the ordinance.

Commissioner Phillips moved to table this matter until a later date.

The motion died for lack of a second.

After further discussion, Commissioner Outz moved, seconded by Commissioner Pollard, to accept the Planning Board and the Planning Department recommendation and approve the preliminary plat as submitted with the following condition:

1. The perpetual easement shall serve lots 14-17 and shall be constructed to the Chatham County private road standards for the first 100 feet. This improvement shall be made prior to the final plat being recorded.

The motion carried four (4) to one (1) with Commissioner Phillips dissenting.

PUBLIC INPUT SESSION

Ricky Spoon, 2475 Redbud, Pittsboro, NC, addressed the Board with regard to the potential sale of land located next to the Health Department in Siler City per his quoted price. He stated that he has put the land on the market at fair market value; that he didn't want to create hard feelings with the Board because he did this; that he does think that the Health Department will need the land in five to ten years; and that he would be glad to talk to the Board in the future about any land purchases.

Mr. Spoon further stated that the item regarding Mr. Howard's 17 lots is a perfect example of urban sprawl that will continue to push into Chatham County in the near future; that it is imperative that the Town of Pittsboro do something to address its water and sewer demands; that the chip mills are raping the countryside of important lumber; and that tax breaks should be given to those people who prohibit their land from being clearcut.

Dorasue Burns, 1559 Chatham Church Road, Moncure, NC, stated that she is concerned about the

aerial spraying done to kill underbrush and hardwood trees in her area; that she is concerned about contamination of the water supply; that adjacent land owners are not being notified about the spraying; and that the people doing the spraying would not tell her what was going on. She further stated that regulations were needed to help insure that landowners be notified of spraying, procedures, and chemicals used. She asked for the Board's help in alleviating this matter. Attached are comments sent to the newspaper on October 2, 1999.

CHATHAM TRANSIT NETWORK

Public Hearing

Public Hearing on Rural Operating Assistance Program: Public hearing to receive public comments on the FY 1999-2000 Rural Operating Assistance Program

There was no one present who wished to make public comments on this matter.

FY 1999-2000 Rural Operating Assistance Program: Consideration of a request to approve the sub-allocation of the FY 1999-2000 Rural Operating Assistance program funds and adoption of the Certified Statement

Commissioner Phillips moved, seconded by Commissioner Pollard, to approve the sub-allocation of FY 1999-2000 Rural Operating Assistance Program funds as set forth and adopt the Certified Statement, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

RECREATION COMPREHENSIVE MASTER PLAN

Public Hearing

Public Hearing on Recreation Comprehensive Master Plan: Public hearing to receive public comments on 100% Chatham County Parks and Recreation Comprehensive Master Plan

David Malcolm, HSMM, thanked the Board for its support of the process, the residents who participated in community discussions and surveys, and Tracy Burnett and her staff for their commitment to the plan. He stated that this has been a nine-month project that has included both the public and decision-makers; and that there are policy guidelines for the County and an action plan with five steps:

1. Expanding services, communication, and programs
2. Development of school parks
3. Neighborhood and district parks
4. Special use parks
5. Development of trails and greenways

He further stated that many implementation strategies are provided for in the plan; that this is a very comprehensive plan; and that the County is ready to adopt and implement this plan.

Dave LeGrys, 111 Pokebury Lane, Pittsboro, NC, stated that it was a pleasure to work with this committee; that Tracy Burnett and David Malcolm have put a great deal of time and energy into the development of the plan; and that there were three areas on which he would like to comment: 1) School park concept is essential and more details are needed with regard to successful programs in other areas; 2) Trails park program is important to helping preserve areas; and that 3) Funding of this plan will be the key to success: and that ideas must be developed on how to do this, possibly through new developments, bonds and

other funding alternatives.

Craig Debussey, 119 Tanager, Chapel Hill, NC, stated that he strongly supports this plan; that this plan is a great show of support for the Recreation Department; that this will also help promote economic development by improving the quality of life; and that he would like to see a personal commitment from the Board to make this County a better and healthier place in which to live.

Eddie Landreth, 384 Hubert Herndon Road, Chapel Hill, NC, East Chatham Baseball President, stated that the Board should turn this plan into an effective public/private partnership that promotes healthy, positive activities for our children; and asked that the Board please work with the schools to insure that their facilities can be used for recreation. He further stated that his group has worked very hard for the children; that they need a centrally located place with more baseball and soccer fields and new concession stands; and that there are matching funds to help if everyone works together to institute this plan.

Wayne Sherman, PO Box 130, Pittsboro, NC, expressed his support of the recreation master plan for the County stating that it will help address health issues for residents in the County. He stated that there has been good public input from all areas; that more hiking trails and greenways will be helpful; that he is supportive of the idea of a swimming pool; and that he encourages the Board to consider this plan seriously and invest in the plan.

Joe Jacob, 747 Rock Rest Road, Pittsboro, NC, owner of Rock Rest Adventures, stressed that there are vast natural resources in the County. He stated that this is a wonderful way to experience those resources; that this should be used as a wonderful planning tool; and that the Board can be proactive in building something good for the County by adopting this plan.

Commissioner Pollard moved, seconded by Commissioner Holland, to approve and adopt the 100% Chatham County Parks and Recreation Comprehensive Master Plan. The motion carried five (5) to zero (0).

IMPACT FEE ORDINANCE

Public Hearing

Public Hearing on Impact Fee Ordinance: Public hearing to receive public comments on a proposal by the Chatham County Board of Commissioners to amend the Chatham County Educational Facilities Impact Fee Ordinance to make it applicable to the Chatham Central High School District with the provision that it provide for impact fees to be fixed as follows:

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|-------------------------|---------|
| Manufactured Homes | \$1,500 |
| Single-Family Homes | 1,500 |
| Multi-Family Residences | 500 |

Marian Norton, 8481 NC Hwy. #902, Pittsboro, NC, stated that she would like to address parts of the Tischler report; that Chatham Central High School will still be under capacity, and that the elementary schools in the district will be over capacity; that over 10% of the students are transferring from other districts; and that subtracting the 10% there would not be an over capacity in this area. She further stated that any money collected will go to build schools in other districts; that people in the Chatham Central district will not directly benefit from fees paid; and that school financing cannot be addressed through impact fees only. She concluded by saying that this study does not justify the impact fee being instituted in the Chatham Central district.

Craig DeBussey, 119 Tanager Lane, Chapel Hill, NC, stated that he has two children in the North Chatham district; that this is an important issue to address; that there is tremendous residential growth pressures in the County. He also stated that other funding sources still must be explored, but that impact fees are still important; that the Board should strengthen the fee by giving itself the option to increase the fees at a future date, and by using a small portion to fund the recreation master plan; and that there is a price to pay for development, and until we do a better job of paying for it, we need to continue to use the impact fee.

Commissioner Pollard moved, seconded by Commissioner Givens, to accept the Planning Department recommendation and approve revisions to the Chatham County Educational Facilities Impact Fee Ordinance, effective on this date, a copy attached hereto and by reference made a part hereof.. The motion carried five (5) to zero (0).

PLANNING AND ZONING

Sketch Design Review of "The Harris Tract": Consideration of a request by Bluegreen Corporation for a revision for subdivision sketch design review of **"The Harris Tract"** [Astoria], consisting of 516 lots on approximately 598 acres, off SR #1716 [Big Woods Road], in Williams Township

After considerable discussion, Commissioner Outz moved, seconded by Commissioner Holland to approve the revised sketch plan with the following conditions:

1. There be an agreement reached on the routing of the water lines to the property and the location and size of the water tank, prior to preliminary plan approval.
2. There be public road access provided to the properties of McLean, Holland G. Gaines, and Lingerfeldt.
3. There be a development schedule approved by the Board of County Commissioners prior to preliminary plan approval.

The motion carried four (4) to one (1) with Commissioner Phillips dissenting.

(See condition added to above request on October 18, 1999 Minutes, page 7.)

BREAK

The Chairman called for a five minute break.

Revision to Existing Conditional Use Business District off NC Highway #751: Consideration of a request by Chris Brown for a revision to his existing Conditional Use Business District with a Conditional Use Permit for landscape and grading business, to allow a revision to the existing site plan on 1.35 acres, off NC Highway #751, in Williams Township

Commissioner Phillips moved, seconded by Commissioner Outz, to accept the Planning Board and Planning Department recommendation that the five findings be made and the request be approved as submitted with the following conditions:

1. A building permit for the construction of the office building shall be obtained within 12 months of approval date or this conditional use permit shall be null and void.

2. Landscaping shall be per the new revised plan and shall be completed within 12 months of issuance of the building permit for the office building.
3. All other requirements shall remain as previously stated in the original permit and shall be completed within 12 months of issuance of the building permit for the office building.

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

Zoning Change North of Manns Chapel Road: Consideration of a request by the Chatham County Board of Commissioners to change the zoning of approximately 1,700 acres of land north of Manns Chapel Road [SR #1532], west of US #15-501, draining to University Lake from RA-40 to RA-90 which would generally increase the required size for new lots from about one to two acres

After considerable discussion, Commissioner Givens moved, seconded by Commissioner Outz, to accept the Planning Board and Planning Department recommendation that the land presently zoned RA-40 within the University Lake drainage area of Chatham County be zoned RA-90 effective upon adoption. The motion carried five (5) to zero (0).

Input Request Regarding Orange County Water and Sewer Management: Consideration of a request by Carrboro for input on the Orange County Water and Sewer Management, Planning and Boundary Agreement

Commissioner Givens moved, seconded by Commissioner Outz, to table this issue for discussion at a later date. The motion carried five (5) to zero (0).

BOARD OF COMMISSIONERS' MATTERS

Worker's Compensation: Consideration of a request to change Worker's Comp carriers

Commissioner Holland moved, seconded by Commissioner Pollard, to contract with Zenith Insurance for worker's compensation. The motion carried five (5) to zero (0).

Employee Computer Purchase: Consideration of a request to award bid for Employee Computer Purchase Plan

Commissioner Phillips moved, seconded by Commissioner Givens, to award the bid for the employee computer purchase plan to PC Innovation in the amount of \$52,330. The motion carried five (5) to zero (0).

Bynum Mills: Consideration to authorize the County Attorney to bring appropriate action to abate the nuisance of Bynum Mills

Commissioner Phillips moved, seconded by Commissioner Pollard, to authorize the County Attorney to bring appropriate action to abate the nuisance of Bynum Mills. The motion carried five (5) to zero (0).

MANAGER' S REPORTS

- The County Manager informed the Board of the following:

- **Certificate of Achievement for Excellence in Financial Reporting:** The County Manager expressed his appreciation and presented a plaque to the Finance Officer and Staff as recipients of the Certificate of Achievement for Excellence in Financial Reporting for the fiscal year ending June 30, 1998.

The certificate is attached hereto and by reference made a part hereof.

Sketch Design Review of "The Harris Tract": Consideration of a request by Bluegreen Corporation for a revision for subdivision sketch design review of "The Harris Tract" [Astoria], consisting of 516 lots on approximately 598 acres, off SR #1716 [Big Woods Road], in Williams Township

Commissioner Pollard moved, seconded by Commissioner Holland, to add the condition that copies of the monitoring reports from the Non-Point Discharge Elimination System (NPDES) be forwarded to both the Planning Department and the Environmental Health Department. The motion carried five (5) to zero (0).

COUNTY ATTORNEY'S REPORTS

Craig vs. Chatham County:

The County Attorney explained that Superior Court Judge J. B. Allen heard lengthy oral arguments on cross motions for summary judgement on the Craig vs. Chatham County case; a ruling in favor of the County has been received; that the written order has probably not yet been filed; that the matter is not likely at rest at this point; and that he will keep the Board apprised of this matter.

COMMISSIONER REPORTS

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Medicare/Medicaid Costs:

Commissioner Outz stated that it was stressed at a County Commissioners' meeting he attended that the County stands a good chance of receiving a double increase in Medicare/Medicaid costs in 2001; and that adequate records need to be maintained by First Health and all rescue squads due to this possibility.

2000 Census:

Commissioner Pollard expressed concern with regard to the 2000 census and the Chatham County count. She asked how the County was going to deal with this issue.

The County Manager explained that sometime in the past, the Board had decided that there needed to be a County-wide Complete Count Committee, but had never made appointments to the committee. He stated that discussions have begun and will continue on this issue with related folks.

ADJOURNMENT

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Commissioner Holland moved, seconded by Commissioner Outz, that there being no further business to come before the Board, the meeting be adjourned. The motion carried five (5) to zero (0), and the meeting was adjourned at 9:49 PM.

Rick Givens, Chairman

ATTEST:

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