

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING, MARCH 15, 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 March 15, 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 meeting was called to order by the Chairman at 7:07 PM.

AGENDA

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

Public Input Session Extension

- Commissioner Phillips moved, seconded by Commissioner Pollard, that the Public Input Session, for the March 15, 1999 meeting, be extended to twenty minutes. The motion carried five (5) to zero (0).

Keith Megginson, Planning Director, asked that Item #14, Preliminary and Final Approval for Governors Club, Phase Twenty, be removed from the Consent Agenda and placed on the Regular Agenda as Item #22A.

Commissioner Holland moved, seconded by Commissioner Outz, to approve the Agenda with the noted requests. 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 seconded by Commissioner Outz, to approve the items listed on the Consent Agenda as read by the Clerk.

1. **Minutes:** Consideration of approval of Board Minutes for meeting held February 15, 1999, Minutes for Work Session held February 15, 1999, and Minutes for Legislative Delegation Meeting held February 16, 1999

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

2. **Refunds on Regular Tax Bills:** Consideration of a request for approval of refunds on

regular tax bills paid in error, attached hereto and by reference made a part hereof.

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

3. **Resolution to Place DEH Programs Under the Organization of the Department of Health & Human Services:** Consideration of a request to approve **Resolution #99-03 to Place All Programs Traditionally in the Division of Environmental Health Under the Organization of the Department of Health & Human Services**, attached hereto and by reference made a part hereof.

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

4. **Resolution for Addition of Roads to the North Carolina System of Secondary Roads – Millcroft and Ashton:** Consideration of a request for approval of **Resolution #99-04 for Addition of Roads to the North Carolina System of Secondary Roads – Millcroft and Ashton in the Ferrington Subdivision**, attached hereto and by reference made a part hereof.

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

5. **Resolution for Addition of Roads to the North Carolina System of Secondary Roads – Stoneview, and Whitehurst:** Consideration of a request for approval of **Resolution #99-05 for Addition of Roads to the North Carolina System of Secondary Roads – Stoneview and Whitehurst in the Ferrington Subdivision**, attached hereto and by reference made a part hereof.

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

6. **Resolution for Addition of Roads to the North Carolina System of Secondary Roads - Camden, Weathersfield, West Camden, and Madison:** Consideration of a request for approval of **Resolution #99-06 for Addition of Roads to the North Carolina System of Secondary Roads – East Camden, Weathersfield, West Camden, and Madison in the Ferrington Subdivision**, 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 the bad debt write-off for the Health Department in the amount of \$7,666.11 for the period July 1, 1997 through December 31, 1997, attached hereto and by reference made a part hereof.

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

8. **Medicaid Rate Change:** Notification of change in Medicaid rates for the Health Department, effective March 1, 1999, attached hereto and by reference made a part hereof.

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

9. **Resolution Declaring Surplus Property:** Consideration of a request to approve **Resolution #99-07 Declaring Property Surplus and Authorizing the Sale of Said Property**, attached hereto and by reference made a part hereof.

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

10. **Resolution Declaring Surplus Property to Non-Profits:** Consideration of a request to approve **Resolution #99-08 Declaring Property Surplus and Authorizing the Sale of Said Property to Child Care Networks and East Chatham Rescue Squad**, attached hereto and by reference made a part hereof.

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

11. **Sketch Design Approval of Bobcat Point, Phase III:** Consideration of a request by Ricky Spoon for subdivision sketch design approval of **"Bobcat Point, Phase III"**, consisting of 75 lots on approximately 460 acres, off SR #1558 (Henderson Tanyard Road) and SR #1559 (Emerson-Cook Road) in Hadley Township

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

12. **Sketch Design Approval of Wright's Grant:** Consideration of a request by Julie Smith for subdivision sketch design approval of **"Wright's Grant"**, consisting of 11 lots, off SR #1545 (Chicken Bridge Road) in Hadley Township

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

13. **Preliminary and Final Approval of Bobcat Point Subdivision, Phase II, Lots 26, 30, 31, and 32:** Consideration of a request by Ricky Spoon Builders for preliminary and final approval of **"Bobcat Point Subdivision, Phase II, Lots 26, 30, 31, and 32"** on 6.856 acres and the **Revision of Lots 16 and 17** off SR #1558 and SR #1559 in Hadley Township

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

- ~~14. **Preliminary and Final Approval for Governors Club Phase Twenty:** Consideration of a request by Governors Club Limited Partnership, c/o Patrick E. Bradshaw, for preliminary and final approval of **"Governors Club, Phase Twenty"**, consisting of 15 lots on approximately 19.302 acres, off SR #1008 (Farrington Road) in Williams Township~~

This item was removed from the Consent Agenda.

15. **Preliminary Approval of Olde Hardwood Estates:** Consideration of a request by Henry L. Howard for preliminary design approval of **"Olde Hardwood Estates"**, consisting of 15 lots on 80.4 acres, off SR #1700 (North Pea Ridge Road) in New Hope Township

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

16. **Preliminary Approval of Bobcat Point Subdivision, Phase II (Lots 24, 25, 27, 28, and 29):** Consideration of a request by Ricky Spoon Builders for preliminary plat

approval of “**Bobcat Point Subdivision, Phase II (Lots 24, 25, 27, 28, and 29)** on 7.6 acres off SR #1559 (Emerson-Cook Road) in Hadley Township

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

END OF CONSENT AGENDA

The Chairman explained that some recent newspaper articles referring to Mary MacDowell and the Preferred Site Local Advisory Committee were erroneous and that the watch dog efforts were not going to be stopped and that Ms. MacDowell was not going to be dismissed from her job at this time.

PUBLIC INPUT SESSION

John McSween, 617 E. Raleigh Street, Siler City, NC, Chairman of the Chatham County Solid Waste Advisory Committee, stated that it has been a gratifying experience to see Chatham County create and implement one of the best recycling and waste management programs in North Carolina; that the collection centers and the services they provide are a model for the entire state that have been greatly admired and often imitated by other counties; that the Waste Management Staff works hard to maintain a high quality program; that they are trying to move the County toward the 40% waste reduction goal requested by the State, while having to deal with rising operational costs, falling prices for recyclables, and minimal budget expansion; that they do not deserve to be the target of any public animosity or criticism over a proposed funding change for which they were asked to plan; that he is deeply concerned about the controversy, misunderstanding, and misinformation surrounding the proposed unit-priced waste system known as “Pay-As-You-Throw”; that the former Board had asked the Waste Management Department to operate as a utility where residents would be charged for the quantity of waste they actually throw away; that linking the amount households pay for waste management services to the actual costs of providing those services on a per-unit basis is not a new concept; that it is the current method of funding in eighteen counties in North Carolina; that to have a County program as significant as waste management become at least partially self-supporting would allow other programs such as recreation and schools to have greater access to more General Fund revenues.

He stated that since one of the most important functions of the Solid Waste Advisory Committee is to provide a public forum for the discussion of solid waste issues, they had planned to hold up to twelve public meetings throughout the County during March, April, and May of this year; that the planning process was not allowed to reach the crucial citizen evaluation and input stage; that he is dismayed that the citizens/taxpayers of Chatham County did not get to participate in public discussions about the advantages and disadvantages of unit-pricing; that public input and evaluation are essential to the success of any program because they ensure that the program accurately reflects community values and that they promote community ownership and acceptance; that he does not believe the majority of Chatham residents want to see their excellent waste management program dismantled service by service because of budget limitations, especially when an alternative source of funding exists; and that eight of twelve centers have already had to close on Wednesdays to stay within budget. He asked that if PAYT is not an acceptable solution to the funding dilemma, the Advisory Committee, Waste Management Staff, and the affected residents get together to discover some other method that has the support of the citizens of Chatham County; that the planning process be restarted and that other methods be explored to help bring in revenue in this area.

Steve Wing, 595 Big Branch Drive, Pittsboro, NC, stated that as part of his job at the UNC

School of Public health, he has, since 1987, worked on studies of nuclear radiation; that since the 1940s, the nuclear industry has failed to inform the public about radiation releases, blocked research on health effects of radiation, and even experimented on humans without their knowledge; that in a recently declassified 1947 memo, the oak Ridge Medical Advisor's Office sought to prevent public disclosures of emission; that those doing research at nuclear facilities during the 1990s continue to encounter a culture of secrecy and fear of public disclosure; that it would be a tragic mistake if Chatham County did not continue to investigate the dealings of CP&L at the Shearon Harris nuclear facility.

Carrie Bolton, 2726 Alston Chapel Road, Pittsboro, NC, stated that she felt a valuable aspect of Mary MacDowell's position is to protect Chatham County and bordering counties' interests who are also possible targets for this type of nuclear waste dumping; that she was told that there is a budgetary dilemma in funding support of Orange County's course of action. She asked if the Board would be open to accepting a donation from concerned citizens to help bridge the budgetary gap.

Gary Ace, 104 Stones Throw, Chapel Hill, NC, stated that he was concerned about the generational influence a facility like Shearon Harris has on a community; that if money is to be saved, it should not be done in place of safety; that the NRC is supposed to be a watchdog group for the industry, but that there is a probable collusion with business; and that the Board should continue to support Mary MacDowell in her efforts to keep watch on the facility. He further stated that the County should continue its excellent recycling efforts.

Dr. Laura Wimbish-Vanderbee, 1510 Chicken Bridge Road, Pittsboro, NC, stated that she is glad that there has not been a nuclear accident, but if one should happen, it could be catastrophic; that CP&L is still pushing high and low-level waste on Chatham County; that CP&L officials stated that they would cooperate with an open process, but as yet, have not done so; and that Chatham County needs all the facts in order to make a sound decision.

Dr. Benjamin Luberoff, 261 Fearington, Pittsboro, NC, stated that he had fifty years experience in chemical technology; that this is not an engineering issue as Gordon Thompson has previously noted; that this is a matter of risk versus benefit and that they do not balance each other in this situation; that Mary MacDowell is doing a wonderful job keeping CP&L in check; and that he is very much in favor of the Board of Commissioners taking a more active role and come out in favor of blocking the dump and leaving the nuclear garbage where it is currently located.

Katherine Thomas, 3000 Spring Forest Road, Raleigh, NC, CP&L Representative, stated that CP&L has enjoyed a long-standing relationship, serving the people of Chatham County; that the Shearon Harris Nuclear Power Plant has allowed them to provide safe, reliable, affordable electricity to Chatham County for over nine years; that the facility is required to store its own waste; that the additional storage facility in question has already been built and tested; that they are just asking permission to use the space that is already there; that CP&L does take seriously, any concerns brought before them by citizens and that they support an open process.

Letter of Appreciation

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The County Manager read a letter of appreciation received from James V. and Heike Cromartie on behalf of two Chatham County Sheriff Deputies, Tony Wilson and Charles Gardner, for their prompt response and professional coordinated community policing that led to the apprehension of a repeat offender, responsible for an armed robbery on November 4, 1998. The Cromartie letter is attached hereto and by reference made a part hereof.

COMMUNITY DEVELOPMENT BLOCK GRANT

Public Hearing

Amendment to Chatham County's 1997 Scattered Site Grant: Public hearing to receive public comments on the submission of an amendment to Chatham County's 1997 Scattered Site Grant

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

Commissioner Pollard moved, seconded by Commissioner Holland, to approve the bids as recommended by the Planning Director, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Commissioner Pollard moved, seconded by Commissioner Holland, to approve the Amendment to Chatham County's 1997 Scattered Site Grant and award the bids as recommended. The motion carried five (5) to zero (0).

Public Hearing

Amendment to the Chatham County Water Shed: Public hearing to receive public comments on a request by Evelyn and Ernest Clemons for a Watershed Review Amendment to request an additional permitted use to be added to the Watershed IV Critical Area, Attachment #A, and a Conditional Use B-1 Business District with a Conditional Use Permit for retail stores and personal service shops specifically for the sale, servicing, and utilization of computers, e-mailing, public internet access, and computer consulting for individuals and small businesses. (The property is approximately 1.133 acres, off SR #1717 [Jack Bennett Road] and SR #1008 [Farrington Road] in Williams Township.)

The oath was administered to those in attendance who wished to make public comments.

Cindy Perry, PO Box 147, Pittsboro, NC, Attorney, stated that she was representing the Clemons family in this matter and that this is a perfect and logical match to surrounding business; that it is compatible with the Land Use Plan; and that she encourages the Board to approve the request.

Brenda Thompson, 1915 Lystra Road, Chapel Hill, NC, stated that she was an interested community member who has been watching the life achievement of Ernest Clemons, Jr. and was in attendance to speak in favor of his new business; that there is a great need in the community for a business of this nature; and that this enterprise will help keep business inside of Chatham County.

Douglas Horton, 700 Coley Wilson Road, Apex, NC, stated that he is an educator in the north Chatham area and that he is glad to see a Chatham County native return to further benefit his community; that computer services of this nature are sorely needed here; and that this proposal brings many benefits to the community.

Ray Greenlaw, 2 Jordan Drive, Pittsboro, NC, stated that water shed areas in the County are very limited. He asked that before any other strictly commercial activities are added to the list on Attachment A of the ordinance, the Board carefully consider how much farther the County can go to put more commercial enterprises within the water quality critical areas, because once the process is started, it is a slippery slope.

Bob Atwater, 2089 Farrington Point Road, Chapel Hill, NC, stated that the Clemons Family is one of the finest in the area; that the Board should consider supporting this request; and that it is refreshing to see people living and having an investment in Chatham County.

Elaine Chiosso, Executive Director of the Haw River Assembly, 1076 Rock Rest Road, Pittsboro, NC, stated that although she was impressed with the information about Mr. Clemons' business, she was concerned that it is proposed in a critical watershed area. She asked the Board to look to the future when there will be many more requests from larger retail businesses to develop in water shed areas and that the listing on Attachment A should be more specific to the size of the business.

PUBLIC WORKS

Public Hearing

Critical Needs Bond Loan Fund: Public hearing to receive public comments on Chatham County's participation in the North Carolina Critical Needs Bond Loan Fund

Ray Greenlaw, 2 Jordan Drive, Pittsboro, NC, stated that the Water Advisory Committee was asked to evaluate proposed projects that might qualify for funding under the recently established State "Critical Needs" bond program; that no extension projects were to proceed without a precise water supply nailed down; that the committee also considered other potential projects in areas where the citizens are in desperate need of water system services; that Chatham County needs to take a serious look at connection with Durham; that the connection with Durham has many advantages, including a lessened dependence on Pittsboro and the ability to move more water in either direction in case of emergencies; and that deliberations will be continued on this issue.

Resolution Supporting Chatham County's Participation in the North Carolina Critical Needs Bond: Consideration of a request for **Resolution Supporting Chatham County's Participation in the North Carolina Critical Needs Bond**

Commissioner Pollard moved, seconded by Commissioner Outz, to approve **Resolution #99-09 Supporting Chatham County's Participation in the North Carolina Critical Needs Bond**, and the five separate applications, and authorizing the Chair and Staff to sign the applications. The resolution is attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

MID-CAROLINA WORKFORCE

Mid-Carolina Workforce Development: Consideration of steps to implement the Workforce Investment Act of 1998 (WIA)

Commissioner Pollard moved, seconded by Commissioner Holland, to approve the steps to implement the Workforce Investment Act of 1998 (WIA) as follows:

Step 1 Designate an administrative/fiscal agent for the "workforce investment area" for administration of the WIA. Mid-Carolina Council of Governments currently administers the service delivery area's JTPA, Welfare-to-Work, and NC Employment and Training Grant programs. Designation to continue for the new Workforce

Investment Act.

Step 2 Approve update of the existing Consortium Agreement to incorporate the new Workforce Investment Act

Step 3 Certify the current Workforce Development Board to serve as the area's Workforce investment Board, or a new Workforce Investment Board has to be appointed

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

CHILD CARE NETWORKS

Child Care Networks: Consideration of a request by Child Care Networks to approve an increase in the amount of \$8,416.00 in current contract with Chatham County Department of Social Services to help maintain the child care subsidy program

Commissioner Pollard moved, seconded by Commissioner Phillips, to approve the request from Child Care Networks to increase their contract with the Chatham County Department of Social Services by \$8,416.00. The motion carried five (5) to zero (0).

PLANNING AND ZONING

Preliminary and Final Approval for Governors Club Phase Twenty: Consideration of a request by Governors Club Limited Partnership, c/o Patrick E. Bradshaw, for preliminary and final approval of "**Governors Club, Phase Twenty**", consisting of 15 lots on approximately 19.302 acres, off SR #1008 (Farrington Road) in Williams Township

Commissioner Phillips moved, seconded by Commissioner Pollard, to accept the Planning Department and Planning Board recommendation and grant the plat preliminary and final approval as submitted, and approval of the road name "**Stedman**" with the following condition:

1. The plat not be recorded until the County Attorney has approved the financial guarantee.

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

Sketch Design Approval of Irene's Mobile Home Park: Consideration of a request by Irene Davis for sketch design approval of "**Irene's Mobile Home Park**", consisting of 14 lots on approximately 50 acres, off SR #1169 (Graham Moore Road), in Matthews Township

Commissioner Phillips moved, seconded by Commissioner Pollard to table this issue until a later date. The motion carried five (5) to zero (0).

Preliminary Approval of Maple Springs Estates, Phase I, II and III: Consideration of a request by Richard H. Givens for subdivision preliminary approval of "**Maple Springs Estates, Phase I, II, and III**" consisting of 18 subdivision lots on 143.92 acres, off SR #1006 (Siler City-Glendon Road), in Bear Creek Township

Chairman Givens asked to be excused from voting on this issue due to a possible conflict of

interest

Commissioner Pollard moved, seconded by Commissioner Holland, to excuse Commissioner Givens from voting on this issue. The motion carried five (5) to zero (0).

Commissioner Phillips moved, seconded by Commissioner Pollard, to accept the Planning Department and Planning Board recommendation and grant approval of the preliminary plat as submitted. The motion carried four (4) to zero (0).

The Vice Chair called for a motion to return the gavel to the Chairman.

Commissioner Pollard moved, seconded by Commissioner Phillips, to return the gavel to the Chairman. The motion carried four (4) to zero (0).

Sketch Design Approval of Monterrane, Phase II and III: Consideration of a request by C. A. Keisler for subdivision sketch design approval of “**Monterrane, Phase II and III**”, consisting of 27 lots on approximately 129 acres, off SR #1700 (Mt. Gilead Church Road), in Williams Township

Commissioner Outz moved, seconded by Commissioner Phillips, to accept the Planning Department and Planning Board recommendation and grant sketch design approval with the following conditions:

1. County water lines be extended to serve Monterrane Phase II and III.
2. Reserve a 20 foot utility easement with a five foot temporary easement on either side to Hudson Wood Road Development.
3. Four emergency vehicle turn-arounds approximately 1000 feet apart shall be designated on the preliminary and final plats. Said easements shall be improved such that at a minimum the first 25 feet shall be an all weather travel surface with a minimum clearance of 12 feet wide and 14 feet high. Such improvements shall be made prior to the final plat being recorded.

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

TAX ADMINISTRATION

Property Tax Exemption for Pittsboro Christian Village: Consideration of a request to approve property tax exemption application for Pittsboro Christian Village, Inc.

Commissioner Pollard moved, seconded by Commissioner Phillips, to deny Pittsboro Christian Village, Inc. request for property tax exemption on fourteen acres of land that are occupied by cottages, mobile homes, apartments and personal property. The motion carried five (5) to zero (0).

Property Tax Exemption for Carolina Meadows: Consideration of a request to approve property tax exemption application for Carolina Meadows, Inc. for property tax exemption

Commissioner Phillips moved, seconded by Commissioner Pollard, to deny Carolina Meadows, Inc. request for property tax exemption on real and personal property. The motion carried

five (5) to zero (0).

PUBLIC WORKS

Resolution in Support of Environmental Leadership Policy: Consideration of a request to approve **Resolution in Support of Environmental Leadership In Chatham County**

Commissioner Phillips moved, seconded by Commissioner Outz, to adopt **Resolution #99-10 in Support of Chatham County Environmental Leadership**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

Commissioner Outz recommended that the County have individual vehicle windshield stickers printed and issued that permits them to deposit their trash at the recycling centers, thereby stopping illegal dumping within the County.

The County Manager stated that this proposal be addressed by County Staff and returned to the Board at a later date.

MANAGER'S REPORTS

The County Manager informed the Commissioners of the following:

- 1) **Joint Planning Board/Board of Commissioners' Meeting:** The County Manager reminded the Board of the joint Planning Board/Board of Commissioners' meeting to be held on March 16, 1999 in the Agriculture Building Auditorium.

COMMISSIONERS' REPORTS

Chairman Givens asked the Finance Director to return the approximately \$300 that had been collected by Reverend Carrie Bolton with a letter explaining why the County could not accept the money with regard to the nuclear waste.

Commissioner Holland asked the County Manager about the recreation survey.

The County Manager stated that he would check with the Recreation Director to see if the surveys had been completed.

Commissioner Phillips expressed his appreciation to Commissioner Outz for representing the Board of Commissioners at approximately fifteen meetings in the past two weeks.

ADJOURNMENT

Commissioner Pollard 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 9:24 PM.

Rick Givens, Chairman

ATTEST:

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