

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING, JANUARY 20, 1998

The Board of Commissioners ("the Board") of the County of Chatham, North Carolina, met in regular session in the Superior Courtroom, located in Pittsboro, North Carolina, at 7:00 P.M. on January 20, 1998.

Present: Chairman Margaret Pollard; Vice Chair Betty Wilson;
Commissioners John Grimes, and Henry Dunlap; County
Manager, Charlie Horne; County Attorney, Robert L.
Gunn; Assistant County Manager, Reneé Dickson;
and Clerk to the Board, Sandra B. Lee

Absent: Commissioner Uva Holland

The meeting was called to order by the Chairman at 7:00 P.M.

AGENDA

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

The County Manager asked that Item #11 **Ordinance for Telecommunication Towers in Chatham County** be deferred until the February 16, 1998 meeting and action be taken to extend the moratorium until that time and that Item #13 **State of North Carolina Nuisance Tire Program** be deferred until the February 5, 1998 meeting.

Commissioner Wilson moved, seconded by Commissioner Grimes, to approve the Agenda with the noted requests. The motion carried four (4) to zero (0).

CONSENT AGENDA

- The Chairman directed the Clerk to the Board to read the Consent Agenda. Commissioner Wilson moved, seconded by Commissioner Grimes, to approve the items listed on the Consent Agenda as read by the Clerk.

1. **Minutes:** Consideration of approval of Board Minutes for regular meeting held January 05, 1998 and of the Work Session held December 15, 1997

The motion carried four (4) 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 four (4) to zero (0).

3. **Refunds for Solid Waste Disposal Fees:** Consideration of a request for approval of refunds for Solid Waste Disposal Fees and regular tax bills paid in error, attached hereto and by

reference made a part hereof.

The motion carried four (4) to zero (0).

4. **Sketch Design Approval of Penny Lane Subdivision:** Consideration of a request by Julie Smith for sketch design approval of Penny Lane Subdivision, consisting of 15 lots on 28.54 acres, off SR #1529 (Taylor Road) in Baldwin Township

The motion carried four (4) to zero (0).

5. **Sketch Design Approval for Bobcat Point Subdivision, Phase I:** Consideration of a request by Ricky Spoon Builders, Inc. for subdivision sketch design approval for Bobcat Point Subdivision, Phase I consisting of 24 lots on approximately 55 acres on SR #1558 (Henderson Tanyard Road) and SR #1559 (Emerson-Cook Road) in Hadley Township

The motion carried four (4) to zero (0).

6. **Sketch Design Approval for Monthey Subdivision:** Consideration of a request by Eric Schwartz for sketch design approval of Monthey Subdivision, consisting of 12 lots on 57.50 acres, off SR #1943 (Gum Springs Road) in Haw River Township

The motion carried four (4) to zero (0).

7. **Sketch, Preliminary, and Final Approval for Chatham Crossing Shopping Center:** Consideration of a request by Glenwood Development Company, Inc. for sketch, preliminary, and final approval of Chatham Crossing Shopping Center, consisting of 3 lots on 10.391 acres located at the southeastern corner of the intersection of US #15-501 and Mann's Chapel Road (SR #1532)

The motion carried four (4) to zero (0).

8. **Preliminary and Final Approval for Daniel L. Rice Property:** Consideration of a request by Daniel L. Rice for preliminary and final approval for Daniel L. Rice Property, consisting of 2 lots on 10.03 acres off SR #1733 (New Hope Church Road) in Williams Township

The motion carried four (4) to zero (0).

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

- 1) Irene Lane
- 2) Kivett Court Drive
- 3) Laughing Goat Pass
- 4) Maple Springs Lane
- 5) Rowland Campbell Drive

The motion carried four (4) to zero (0).

END OF CONSENT AGENDA

PUBLIC INPUT SESSION

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

PLANNING AND ZONING

Public Hearings

Proposed Chatham County Ordinance Regulating Swine Farms and Proposed Zoning Ordinance Amendments to Provide for the Regulation of Swine Farms: Public hearings to receive public comments on the proposed Chatham County Ordinance Regulating Swine Farms and proposed zoning ordinance amendments to provide for the regulation of swine farms

G. Nicholas Herman, stated that the two ordinances before the Board are essentially identical; that the first is to amend the existing zoning ordinance, and the second is an ordinance pursuant to the policing power of the County; that the only difference between the two is that the zoning amendment applies only to swine farms which have animal waste management systems with a 600,000 pound capacity; and that such farms can only be located in light or heavy industrial district.

Mr. Herman stated that the police power ordinance has no such limitations; that it applies to all farms of greater than 250 swine; that the purpose of the two is to draw upon the broad and different statutory powers and to permit the regulation of swine farms in unzoned areas of the

County. He emphasized that these are only applicable to swine farms and stated that the Board of Health met on January 6, 1998 to consider revisions to the Intensive Livestock Ordinance (ILO); that its consideration of those rules is, in turn, substantively identical in their request to the ordinances that are before the Board of Commissioners; that they reach all swine raising 250 or more swine; that they are only applicable to swine farms; that with these technical exceptions, the two ordinances are procedurally identical; that these apply to new and expanding swine farms and to those existing swine farms, namely those in operation, as of the effective dates.

He stated that with regard to new or expanding swine farms, a farmer would have to obtain two permits from the Board of Health; that the first, a construction or expansion permit would be obtained by providing to the Health Department all of the documentation that the swine farm showing approval by the State and appropriate documentation that the plan meets the requirements of the ordinance; Second, the expanding farm would have to obtain an expansion permit; that this would be done after an animal management system had been built, and it would provide documentation from the State that it meets all requirements; that existing swine farms must obtain an operational permit showing compliance with the State and ordinance; that existing swine farms must obtain this within 60 days of effective date of ordinance; that every time a farm is required to renew its State permit, such swine farms would have to obtain a new permit from the County. He stated that the operator of a swine farm must provide the Health Department a plan for a lagoon closure within ninety days of closure and that an abandoned lagoon must be appropriately closed within a year; that financial responsibility for new, expanding, and existing farms assure that there are adequate funds in the case of violations or a spill and that security would need to be at \$2500 per acre; that there will need to be a set of setback provision for confinement buildings and lagoons from certain other types of property; that swine houses or lagoons must be distanced a certain number of feet from various public or residential use depending on the size or the capacity of the animal waste management system of the particular farm; that all swine farms are required to post emergency information and that well-testing requires all farms be tested twice a year;

He stated that Robert Gunn, County Attorney, has proposed three minor revisions to the ordinance as follows:

1. Administration of the ordinance rests with the Health Department.
2. Under the financial requirements, collateral must be provided.
3. Emergency numbers must be posted and remain updated.

Vaughn Upshaw, Chair of the Chatham County Board of Health, stated that the Board of Health had the opportunity to review the ordinance and that they approved of the revisions and fully supported the ordinance.

Barbara Lorie, 117 Blue Heron Farm, Pittsboro, NC, stated that she approved of the ordinances. She presented written comments, attached hereto and by reference made a part hereof.

John McSween, 617 E. Raleigh Street, Siler City, NC, stated that the Board of Health stepped in to create rules to protect public health when no other recourse existed. He urged the Board to carefully consider revisions, especially those concerning setbacks stating that the 2,500 feet was barely adequate. He thanked the Board of Health and the Board of Commissioners for their efforts and good work.

Steve Seilkop, 3942 Rives Chapel Road, Siler City, NC, stated that while we would not be here without large scale hog operations, they are very controversial; that the swine business has tarnished agricultural operations in general; that he supports a more logical weight based system; that new rules open the door to problems; and that stricter thresholds should be reinstated. Mr. Seilkop presented written comments, attached hereto and by reference made a part hereof.

Brooks Gilmore, 212 Gilmore Lodge Road, Siler City, NC stated that there is a hog farm in operation a quarter mile from his property which poses a threat to public health due to the presence of untreated fecal matter placed in a holding pond to be sprayed on open fields; that it is a breeding ground for bacteria and pathogenic viruses; that there is currently hepatitis of unknown origin spreading; that there is potential groundwater contamination and a noxious odor

problem; that farms are industrial operations and should be treated as such; that he supports the Health Department and the Board of Commissioners in their efforts to regulate intensive swine operations. Dr. Gilmore presented written comments, attached hereto and by reference made a part hereof.

Cynthia Crossen, 116 Marshall Road, Pittsboro, NC, speaking on behalf of and as a member of the Board of Directors of the Haw River Assembly, stated that the Haw River Assembly supports the proposed regulations; that adequate setbacks, well testing, funds for proper closure of lagoons and cleanups for spills, vegetative buffers between sprayfields and streams and ditches, and posting of emergency numbers and various requirements necessary for health, river, and groundwater protection. Ms. Crossen presented written comments, attached hereto and by reference made a part hereof.

Tim Craig, 5514 Cumnock Road, Sanford, NC, stated that he asked the Health Director if there were any health related problems related to hog farms reported to the Health Department, and the Health Director's response was "not that I am aware of"; that hog farms currently follow all state and federal regulations, and that should be sufficient; that state parks on Jordan Lake have waste management systems similar to those on hog farms, and that they are adequate so that Cary gets their drinking water from the lake.

C. W. Jack Lutterloh, 4034 NC 87 North, Pittsboro, NC, stated that he had raised dairy cattle for

fifty years and has worked under state and federal regulations without problems; that if there are only four farms in question, the Board of Commissioners has more important issues to work on as this would be a waste of their time. Mr. Lutterloh presented written comments, attached hereto and by reference made a part hereof.

Ron White, 1280 Hanks Chapel Road, Pittsboro, NC, stated that he has been involved in intensive livestock for twenty years and has never had any problems with wells or spills; that under the proposed rules and regulations, he can neither shut down his farm, spray fields, nor can his lagoon be closed; and that more research is needed on this issue.

Charles Lutterloh, 3986 NC 87 North, Pittsboro, NC, stated that he has been a lifelong resident and farmer of Chatham County; that regulations will discourage hog farmers from coming to Chatham County; that these rules go beyond those of the state and federal government; that the ordinance will give the county government more control; that if the regulations are passed, it will only be a matter of time before there are complaints regarding other farms; that family farms are struggling now, and that agriculture is important for the strength of America. Mr. Lutterloh presented written comments, attached hereto and by reference made a part hereof.

Frank Sheffield, Ward and Smith, P. A., PO Box 867, New Bern, NC, speaking on behalf of the Agribusiness Council, stated that there is no need for the County's proposed regulation of swine farms; that they only impacted four existing farms in Chatham County; that the state regulatory program is very comprehensive; that there are twice-a-year inspections and approved waste utilization programs; that the Board of Commissioners should let the State program work and not try to duplicate it; that there is already a moratorium in place until March, 1999; that Chatham County already has the regulatory authority to address any operation that jeopardizes County health, and the State will willingly investigate any potential problems; that any new or expanding operation will employ innovative waste management systems that will reduce odors and manage nutrients in environmentally sound manner; that after the moratorium, the State may require such systems to be implemented; that the traditional anaerobic lagoon system is probably a thing of the past; that the ordinance is a thinly veiled attempt to impose a County moratorium on all new and expanded swine operations in the County; that these are not industrial operations, and it places an impossible obstacle in front of farmers; that the setbacks constitute a de facto moratorium on larger farms throughout the County; that this would be an impossible obstacle in front of farmers; that the rules send the message that we do not want any hog farm in Chatham County, no matter how well it is operated; and that these regulations represent an attempt to crucify the farmer on a cross of fear and exaggeration. Mr. Sheffield presented written comments, attached hereto and by reference made a part hereof.

Rosemary VanSchooten, 3000 Pleasant Hill Church Road, Siler City, NC, stated that her father was a major Iowa pork producer, and that in the 1970s, problems in the hog industry were brought to light; that confinements cause problems and terrible stench; that when typical

farms raised hogs and used manure to supplement their fertilizer, there wasn't a problem; that now with many thousands of hogs on a fairly small amount of land, manure isn't an asset any more; that it is a waste product; and that hog confinements are not family farms. She commended the wisdom of the Board of Health and the Board of Commissioners to realize this need and see these places for what they really are, factories/industries, and urged the Board to regulate and zone them accordingly. She presented written comments, attached hereto and by reference made a part hereof.

Barbara McCloy, 3557 Pea Ridge Road, New Hill, NC, expressed thanks to the Board of Commissioners for trying to protect and promote the health of Chatham County's citizens. She stated that she opposes the proposed ordinance regulating swine farms in the County on the grounds that the Board of

County Commissioners does not have statutory authority to enact this ordinance, and the proposed ordinance is unlawfully discriminatory, unreasonable, and unnecessary; that no scientific evidence has been offered that proves the ordinance is necessary; that it is based solely on emotion; that the proposed rules unlawfully discriminate against hog farmers; that legislation enacted by the State has not yet had time to work. She urged the Commissioners to vote against the proposed ordinance and presented written comments, attached hereto and by reference made a part hereof.

Additional letters and comments received by the Clerk to the Board are attached hereto and by reference made a part hereof.

Proposed Chatham County Off-Premise Sign Ordinance: Public hearing to receive public comments on the proposed Chatham County Off-Premise Sign Ordinance

Kurt Lent, 95 Hearne Road, Pittsboro, NC, stated that when the Appearance Commission worked on developing the off-premise sign ordinance, they attempted to write a sign ordinance that hurt no one; that the Planning Board has extended the minimum distance between signs; that the ordinance allows off-site out-door advertising on the major highways through Chatham County and disallows it on the secondary and rural roads; that in order to accommodate small businesses, directional signs are allowed by exception; that when they surveyed current out-door advertising in the County, they were pleased to find that the road sides are not yet severely effected; but with the coming of additional four-lane thoroughfares, it is a good time to put in place some measures of control.

On behalf of the Commissioners and the citizens of Chatham County, Commissioner Pollard thanked Mr. Lent and the other members of the commission for their hard work efforts on the sign ordinance.

Request for Revision to Existing Conditional Use Permit by Louise Cole: Public hearing to receive public comments on a request by Louise Cole on behalf of F.R.E.E. [Financial Reform for Excellence in Education] for a revision to the existing Conditional Use Permit for several businesses to allow a public school on 2.73 acres on the west side of SR #1008 [Mt. Carmel Church Road] north of the entrance road to Nature Trail Mobile Home Park in Williams Township

There was no one present who wished to make public comments on this matter. However, a letter from Ellen S. and Ben F. Cheek, adjoining property owners, received by the Clerk to the Board, is attached hereto and by reference made a part hereof.

Request for a Business Conditional Use District and a Conditional Use Permit by John S. Williams: Public hearing to receive public comments on a request by John S. Williams for a Business Conditional Use District and a Conditional Use Permit for a grading business with office and garage/shop on approximately 1.24 acres on the south side of US #64 west of Deer Run Subdivision in New Hope Township

The Chairman administered the oath/affirmation to those in attendance who wished to make public comments.

Cindy Bland, Attorney representing Williams Grading and Paving Company, stated that this request was for the construction of a permanent office space on the same site that currently houses a mobile home unit; that this is a betterment and a replacement; that there would be no adverse effect on traffic or noise; and that it would result in higher tax revenues for the County.

She stated that the applicant further supported its application by submitting material regarding the five findings, attached hereto and by reference made a part hereof.

Ben Joseph, Manager with Williams Grading and Paving, stated that much of the company's work is on Highway #64; that business hours are from 7AM-5PM; that they are committed to maintaining the integrity of the Deer Run Subdivision.

Larry Shipp, 108 Talon, Cary, NC, Appraiser, stated that Mr. Williams currently resides next to the property, and that both mobile homes would be moved off of the site; that Mr. Williams is building a new home adjacent to the property; and that there would be no impact on the value of the property.

Jeff Blair, Civil Engineer, stated that he had reviewed the preliminary plan and visited the site, and that Mr. Williams' land falls away into an existing pond, there is an existing sewer system, and that the effect on traffic would be minimal.

Bob Liposchak, 117 East Deer Run, Apex, NC, stated that he strongly recommends approval of this project; that it is a positive step in responsible development; that it provides for four things: 1) Rezoning will stabilize the land by dedicating its use for that of a passive brick building. 2) The two trailers will be permanently removed and be replaced by the new brick structure which will be professionally designed, constructed and landscaped. 3) The interconnecting drive between Mr. Williams property and Deer Run will be eliminated. 4) Architectural landscape will enhance the site and make it acceptable to all observers from both US #64 and Deer Run. He stated that this meets the Board of Commissioners goal of strict development, increases taxes paid on the property and by allowing Mr. Williams to increase his office space in order to meet his business requirements, it continues to retain him as a Chatham County taxpayer. Mr. Liposchak presented written comments, attached hereto and by reference made a part hereof.

Leon Williams, 93 East Deer Run, Apex, NC, stated that he was a resident of Deer Run and lived closest to the proposed building; that he supported the proposal, and that Mr. Williams has always been thoughtful of the neighbors.

Sam Williams, introduced Mr. John Williams and stated that if anything adverse happened, Mr. Williams would be impacted the greatest; that the building is attractive, modest, and will be well buffered. He further stated that Department of Transportation needed to approve the right-of-way.

Ordinance for Telecommunication Towers in Chatham County: Public hearing to receive comments on an ordinance for Telecommunication Towers in Chatham County

Ken Carter, 1130 Situs Court, Suite 100, Raleigh, NC, consultant, thanked the Board for holding the public hearing and Mr. Megginson for reading the Gray Styer's letter. He stated that he was prepared to submit tower proposals for 1998; that he would like to work with the County Attorney and Planner to ensure that the major site selections issues of the ordinance through the County Attorney's proposed draft are not an issue when the ordinance is adopted so that BellSouth could begin potential site locations and acquisitions.

A copy of the M. Gray Styers Jr. letter is attached hereto and by reference made a part hereof.

Commissioner Wilson moved, seconded by Commissioner Grimes, to extend the moratorium until Feb. 17th 1998. The motion carried four (4) to zero (0).

TAX ADMINISTRATION

Public Hearing

Revaluation Policy Changes: Public hearing to receive comments on Revaluation Policy changes

Ken Joyner, Tax Administrator, stated that the Tax Administration Office proposes a two-fold change in the revaluation policy; that the revaluation period would be every four years instead of eight years; that the revaluation would be conducted in-house; that the new policy would result in approximately \$110,490 in savings for the County; that the estimated one-year loss in revenue after a four-year Public Utility appeal would be \$294,000; and that adopting this policy would require a new position in the Tax Administration Office to handle the workload.

PUBLIC WORKS

~~**State of North Carolina Nuisance Tire Program:** Consideration of the State of North Carolina Nuisance Tire Program~~

This item was removed from the Agenda and deferred until the February 2, 1998 Board of Commissioners' meeting.

Water Storage Tank Maintenance Program: Consideration of a Water Storage Tank Maintenance Program

Stephen Cummings, Utility Service Company, Inc. Engineer, reviewed the Chatham County North Carolina Water Tank Inspection and Maintenance Program Schedule, regarding the inspections and evaluations performed on various water tanks owned by the County.

Commissioner Grimes moved, seconded by Commissioner Wilson, to approve the contracts with Utility Service Company, Inc. for a Long Term Water Tank Maintenance Program in the amount of \$49,635.00. The motion carried four (4) to zero (0). The contracts are attached hereto and by reference made a part hereof.

BOARD OF ELECTIONS

~~**State-Wide Election Software Computer System:** Consideration of a state-wide election software computer system~~

Commissioner Wilson moved, seconded by Commissioner Grimes, to approve the consent form Statewide Elections Information Management System for local processing, attached hereto and by reference made a part hereof. The motion carried four (4) to zero (0).

BOARDS AND COMMITTEES

Economic Development Corporation Appointment: Consideration of a request to appoint a new member to the Economic Development Corporation by Commissioner Wilson

Commissioner Wilson moved to appoint Morton Barrow, 682 Fearington Post, Fearington Village, Pittsboro, NC to the Economic Development Corporation. Commissioner Grimes seconded the motion. The motion carried four (4) to zero (0).

Water Board Appointment: Consideration of an appointment to the Chatham County Water Board by Commissioner Pollard

Commissioner Pollard moved to appoint Jim Diggs, 5390 Farrington Road, Chapel Hill, NC, to the Chatham County Water Board. Commissioner Wilson seconded the motion. The motion carried four (4) to zero (0).

BOARD OF COMMISSIONERS' MATTERS

Welfare Reform Work Session Date: Set a date on which to hold a Welfare Reform work session

It was decided, by consensus, to hold a work session on Welfare Reform on January 26, 1998 at 7:00 PM in the Health Administration Building, Byrd's Classroom.

JOCCA Status Report: Status report by JOCCA Board of Directors

Edith Hubbard stated that Joint Orange-Chatham Community Action, Inc. (JOCCA) is a private nonprofit organization established in March, 1996 by the Boards of County Commissioners of Orange and Chatham Counties to seek funds, administer programs and provide services to low-income families and individuals. She reviewed JOCCA's role and accomplishments in the Chatham County Community, attached hereto and by reference made a part hereof.

Robert Eby reviewed the JOCCA 1997-98 Budget Status, Operating Expense Reductions, and Staff Reductions, attached hereto and by reference made a part hereof.

Community Transportation Program Grant Application: Consideration of the Community Transportation Program Grant Application for FY 1998-99

Commissioner Grimes moved, seconded by Commissioner Wilson, to approve the replacement schedule for vehicles, attached hereto and by reference made a part hereof. The motion carried four (4) to zero (0).

MANAGER' S REPORTS

The County Manager informed the Commissioners of the following:

Upcoming Calendar Dates:

February 2, 1998 - Work Session after regularly scheduled Board Meeting

February 16, 1998 – Central Carolina Community College Trustees will be hosting a dinner for the Board on their campus at which time they will give their annual report from 5:00-6:30 PM.

February 19, 1998 – Annual dinner with the Legislative Delegation to be held beginning at 6:00 PM at the home of Mr. R. B. Fitch and continuing with dinner at the Ferrington House at 7:00 PM.

Commissioner Pollard asked that February 9th or 10th, 1998 be considered as the date on which to

hold a joint meeting with the Board of Education, to be confirmed by Commissioner Pollard.

COMMISSIONERS' REPORTS

Commissioner Wilson stated that it was understanding that the Department of Transportation (DOT) had approved the stop light at the intersection of Highways #902 and 15-501; and that she has heard that the DOT met in Carthage last week and that the money was not assigned to the project. She asked that a letter be sent to Mr. G. R. Kindley, the Secretary, and the Governor outlining the problem and asking for rectification of this matter.

Commissioner Dunlap mentioned the Bonlee stop light at the intersection of Bonlee Road and Old Highway #421 and stated that it should also be addressed as there has been a total of seventy-two wrecks at the intersection to date.

Commissioner Grimes expressed concern that those on the Siler City telephone exchange not being allowed Internet access without long distance charges through a contract service.

The Manager explained that the Internet access, local area service to Chapel Hill and other places is being addressed, but stated that some of it must be driven by the Siler City Town Council as well. He stated that verbal confirmation has been received that Sprint will install Integrated Systems Digital Networking (ISDN) for the County.

ADJOURNMENT

Commissioner Grimes moved, seconded by Commissioner Wilson, that there being no further business to come before the Board, the meeting be adjourned. The motion carried four (4) to zero (0), and the meeting was adjourned at 10:12 P.M.

Margaret Bryant Pollard, Chair

ATTEST:

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