

**MINUTES**  
**CHATHAM COUNTY BOARD OF COMMISSIONERS**  
**REGULAR MEETING**  
**JUNE 19, 2000**

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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 June 19, 2000.

Present: 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

Absent: Chairman Rick Givens

The meeting was called to order by the Vice Chairman at 7:01 PM.

**AGENDA**

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

The County Manager asked that a Closed Session for the purpose of discussing land acquisition be added to the end of the Agenda; and that a discussion with regard to impact fees be added to the Agenda as Item #19A.

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

**CONSENT AGENDA**

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

Commissioner Pollard moved, seconded by Commissioner Outz, to approve the Consent Agenda. The motion carried four (4) to zero (0).

1. **Minutes:** Consideration of approval of Board minutes for budget meetings held May 09, 2000, May 10, 2000, and regular meeting held June 05, 2000

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

4. **Private Roads:** Consideration of a request for approval from citizens for the naming of a private road in Chatham County:

- A. **T C Justice Road**

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

5. **Funds Acceptance for Health Department – WE CARE/He Cares:** Consideration of a request for approval to accept additional funds awarded to the Health Department in the amount of \$16,132 to support the purchase of a van and operating expenses for WE CARE and He Cares

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

6. **Funds Acceptance for Health Department – Smart Start:** Consideration of a request for approval to accept additional funds awarded to the Health Department in the amount of \$850 from Smart Start

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

7. **Sketch Design Approval of “Hamlet Grove”:** Consideration of a request by Musigny, Inc., for subdivision sketch design approval for “**Hamlet Grove**”, consisting of 34 lots, on 49.9 acres, off SR #1525 (Hamlets Chapel Road) in Baldwin Township

As per the Planning Department and Planning Board recommendation, sketch design approval of the plat was approved as submitted.

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

8. **Sketch Design Approval of “Jones Ferry Landing”:** Consideration of a request by Kathleen and James Sequeira for subdivision sketch design approval for “**Jones Ferry Landing**”, consisting of 23 lots, on 52.4 acres, off SR #1539 (Jones Ferry Road), in Baldwin Township

As per the Planning Department and Planning Board recommendation, sketch design approval of the plat was approved with the following condition:

1. The road right-of-way adjacent to Lot 5, Plat Book A, Page 328 be relocated so that no reserve strip remains between the right-of-way and the joint property line. The change is to be made on the preliminary map.

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

9. **Preliminary Approval of “Peppertree”:** Consideration of a request by Van R. Finch, on behalf of Dimension Builders, Inc. for subdivision preliminary approval for “**Peppertree**”, consisting of 24 lots, on 41.50 acres, off SR #1532 (Manns Chapel Road), in Baldwin

## Township

As per the Planning Department and Planning Board recommendation, preliminary design approval of the plat was approved as submitted.

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

10. **Preliminary Approval of “Olde Thompson Creek Subdivision, Phase Two”:** Consideration of a request by Patrick A. O’Neal, Chatham Development Corporation, on behalf of Joseph L. Johnson, Jr., for subdivision preliminary approval for **“Olde Thompson Creek Subdivision, Phase Two”**, consisting of 12 lots, on 57.9 acres, off SR #1741 (Thompson Road), in New Hope Township

As per the Planning Department and Planning Board recommendation, preliminary design approval of the plat was approved as submitted with the following condition:

1. The road name in Phase 1 and 2 is changed to be consistent and be “Olde Thompson Creek Road” instead of “Thompson Creek Road Extension”.

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

11. **Final Approval of “Bobcat Point Subdivision, Phase III”:** Consideration of a request by Van Finch on behalf of Ricky Spoon Builders, Inc., for final approval of **“Bobcat Point Subdivision, Phase III, Lots 40-46”**, consisting of seven lots on approximately 17 acres, off SR #1558 (Henderson Tanyard Road) in Hadley Township

As per the Planning Department and Planning Board recommendation, final approval of Bobcat Point Subdivision , Phase III (Lots 40-46) were approved with the following condition:

1. A note be placed on the map specifying that the 12 foot wide utility easement off Arrowhead Loop Road is to serve Lots 40,41,42, and 45A

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

12. **Final Approval of “Siler Farms, LLC, Phase Two”:** Consideration of a request by Jeff C. Brewer and David R. Ritter for subdivision final approval of **“Siler Farms, LLC, Phase Two”**, consisting of five lots, on 21.13 acres, off SR #1362 (Piney Grove Church Road), in Albright Township

As per the Planning Department and Planning Board recommendation, final approval of Siler Farms, LLC, Phase Two as submitted.

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

13. **County Assessor Appointment:** Consideration of a request for approval to appoint Kimberly Horton, CAE, as Chatham County Assessor

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

14. **Home and Community Care Block Grant Funds Acceptance:** Consideration of a request to

accept funds in the amount of \$343,349 to be used by the Home and Community Care Block Grant Committee for older adults, County Funding Plan attached hereto and by reference made a part hereof.

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

15. **Resolution in Support of Animal Lovers Special License Plate:** Consideration of a request to approve **Resolution #2000-19 in Support of Animal Lovers Special License Plate**, attached hereto and by reference made a part hereof.

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

16. **Resolution in Support of the Paving of Howard Gilliland Road:** Consideration of a request to approve **Resolution #2000-20 in Support of the Paving of Howard Gilliland Road (State Road #1123)**, attached hereto and by reference made a part hereof.

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

#### **END OF CONSENT AGENDA**

#### **PUBLIC INPUT SESSION**

- **Armentha Davis**, 588B Pittsboro-Moncure Road, Moncure, NC, stated that it is her understanding that CSX Railroad will be crossing land that is owned by some Chatham County citizens in the Moncure area; that she is not in favor of this; and that she requests the Board's help in preventing this occurrence.

**Billie Brooks**, 5210 Pittsboro-Moncure Road, Moncure, NC, stated that it is his understanding that the railroad will approach a mining area for the 3M Company and that there will be dynamiting; that he is concerned about the water, noise, and shock-waves from the blasting.

- **Carl Foushee**, 777 Sanford Road, Pittsboro, NC, stated that he had owned and paid taxes on his land on both sides of the railroad near the 3M Company site since the early 1940's; that the railroad would not let him cross the tracks to retrieve wood; and that he has met with 3M officials who say that they will work with the land owners, but that they have failed to do so. He asked the Board to oppose the CSX Railroad.

**Robert Gunn**, County Attorney, stated that the Board of Commissioners has only the power that is given to them by State law; that all other governing powers, not reserved by the federal government, rests with the State; that the State did not give the County Board authority to regulate railroads as to where they can be built, opened, reopened, etc.; that this is an instance in that if the railroad owns the land or the easements, that they have the right to use it under whatever terms it calls for, subject to the rights of the State Utilities Commission.

- After considerable discussion, it was suggested that the property owners consult with the State Utilities Commission and the 3M Company, as the Board of Commissioners has no authority regarding this matter.

#### **HEALTH DEPARTMENT**

##### ***Public Hearing:***

**Animal Control Ordinance:** Public hearing to receive public comments on a revision to the “Chatham County Animal Control Ordinance”

Wayne Sherman, Chatham County Health Director, stated that at a recent Board of Commissioners’ meeting, several citizens expressed concern that the Dangerous Dog portion of the Chatham County Animal Control Ordinance, adopted on May 18, 1992, was inadequate; that the Board of Commissioners requested that the Animal Control Ordinance be reviewed with an eye toward strengthening the Dangerous Dog Section; that the Animal Control Division of the Health Department, in conjunction with the Health Director, reviewed the current ordinance and proposed suggested revisions after reviewing Dangerous Dog Sections of ordinances from Wake and Durham Counties, and receiving input from concerned citizens; that the major revisions include: 1) adding a definition of a Dangerous Animal; 2) adding Section XXXIII – “Biting or Attacking Animals” – which gives Animal Control Officers authority to confiscate a biting or attacking animal on private property; 3) revising Section XXXIV – “Dangerous Dogs or Other Dangerous Animals” – which prohibits anyone from bringing a dangerous dog into the County and prohibits anyone from transferring ownership of a dangerous dog to anyone else. Dangerous Dogs shall be either securely confined in an approved enclosure or humanly destroyed; 4) adding Section XXXV – “Protective Measures for Confinement of Dogs; and 5) adding Section XXXVI – “Enforcement” – which clarifies the enforcement role of Animal Control Officers in carrying out the ordinance and state laws pertaining to animals.

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

**PLANNING AND ZONING**

**Request by SBA, Inc. for Lattice Communication Tower:** Consideration of a request by SBA, Inc., for Norma Hart, for a 300 ft. lattice communication tower, on 47 acres, off SR #2146 [McKeithan Road], in Gulf Township

Commissioner Outz moved, seconded by Commissioner Phillips, to accept the Planning Department and Planning Board recommendation that the SBA Gulf tower request for a 300 foot tall tower be recommended for approval but that Sprint not be permitted to locate on said tower until such time they are in compliance with the county tower ordinance for the Sprint tower on the Griffin property on US #15-501. The motion carried four (4) to zero (0).

**Proposed Amendments to the Chatham County Subdivision Regulations:** Consideration of a request to approve proposed amendments to the Chatham County Subdivision Regulations

Commissioner Phillips moved, seconded by Commissioner Outz, to accept the Planning Department and Planning Board recommendation that the text be approved as follows for the two areas of revision proposed and that the revisions addressing submittal deadlines not be made effective until submittal for the August Planning Board meeting to provide plenty of notice to potential applicants:

**10.13 ADD LANGUAGE: *[italicized]***

Page 28, Section 4.4 B. (1) and (2) – (#23) Clarify the number of copies of documents to be submitted to the Planning Department for review. (#24) – Revise the submittal deadline from 16 days to 23 days prior to the

Planning Board meeting.

(1) Step 5 - 7. The sketch design review is required on proposed subdivisions with new roads, but is optional on other subdivisions. The information required on a sketch design map is described in Section 5.1, Section 5.2 A, Section 5.2 B, and Section 5.2 C. (19) ~~A minimum of fifteen (15) copies~~ **The required number of copies** of the information required shall be submitted to the Planning Board staff for review by the Planning Board. The administrative fee for the subdivision is due at this time. The sketch design map shall be submitted to the Planning Board staff not less than ~~sixteen (16)~~ **twenty-three (23)** days prior to the day on which approval is requested. (#15I) Following the Planning Board review and action the sketch design map shall be submitted for review and action by the Board of County Commissioners. ~~A minimum of nine (9) additional~~ **The required number of** sketch design plans shall be submitted to the Planning Board staff for review by the Board of County Commissioners. (#21) When structures of greater than 50 years in age or having historical significance are on the property or within 100 feet of the development property on adjacent property then the developer shall contact the Chatham County Historical Association prior to submittal for sketch subdivision approval.

(2) Step 8. The information required on a preliminary plat is described in Section 5.1 and 5.2. ~~A minimum of fifteen (15)~~ **The required number of** copies of the information described in Section 5.1 and ~~two (2) copies of the information described~~ in Section 5.2 shall be submitted to the Planning Board Staff. The standards and design requirements for subdivision plats are specified in Section 6 of these regulations. (#5) A subdivision plat with proposed new roads shall be submitted to the Planning Board staff not less than ~~sixteen (16)~~ **twenty-three (23)** days prior to the day on which approval is requested. (#15I) A preliminary subdivision plat with no proposed improvements shall be submitted to the Planning Board staff not less than ~~fourteen (14)~~ **twenty-three (23)** days prior to the day on which approval is requested. (#15I) The Planning Board staff shall review the plat to be sure it meets the specifications of these regulations. An on-site inspection may be made of the subdivision at that time by the Planning Board staff.

**(#24)- con't**

Page 28, Section 4.4 B. (5), (7), (8),(13), (16), and (18) – Revise the submittal deadline from 16 days to 23 days prior to the Planning Board meeting.

(5) Step 11. When the development improvements may involve the placement of excavated material or fill material into streams, creeks, lakes, or wetlands, the subdivider is responsible for contacting the U.S. Army Corps of Engineers for a determination of whether a permit is required. A permit or a letter indicating no permit is required shall be provided ~~sixteen (16) days~~ **twenty-three (23)** prior to the meeting of preliminary plat review. Failure of the U.S. Army Corps of Engineers to respond within thirty (30) days of an appropriate request to said agency shall not prohibit the subdivision application from proceeding through the county review 4.4 B. Procedure for Major Subdivisions procedures. (#15O) The Land Quality Section of the North Carolina Department of Natural Resources and Community Development or the local District Conservationist of the United States Soil Conservation Service shall review and approve plat and erosion control plans when required by law or when new roads are proposed.

(7) The Planning Board Staff may assist the developer upon request with steps 9 – ~~12~~ **13**. The preliminary plat application shall be considered incomplete and shall not be scheduled for review by the Planning Board unless the plat along with the approvals specified in steps 9, 10, 11 and 12 are received not less than ~~sixteen (16)~~ **twenty-three (23)** days prior to the Board meeting. Failure of the approving agencies in steps 10, 11, ~~and~~ 12, **and 13** to respond within thirty (30) days of an appropriate request to said agency shall not prohibit the subdivision application from proceeding through the county review procedure. (#17D)

(8) Step ~~13~~ **14**. The approval of the public water and sewerage system plans is required at the time the preliminary plat is submitted ~~sixteen (16)~~ **twenty-three (23)** days prior to the Board meeting. (#15I)

(13) Step ~~18~~ **19**. The signed preliminary plats shall be returned to the Planning Board Staff not less than ~~sixteen (16)~~ **twenty-three (23)** days prior to the regularly scheduled Board meeting. (#15I)

(14) Step ~~19~~ **20**. The Planning Board staff shall present the plats along with a recommendation to the Planning Board for formal action. Staff may advise the subdivider of the recommendation prior to the meeting. Following the Planning Board's recommendation, plats of major subdivisions shall be reviewed and approved by the Board of County Commissioners for preliminary approval prior to making any site improvements. ~~A minimum of nine (9)~~ **The required number of preliminary** plats shall be submitted to the Planning Board staff for review by the Board of County Commissioners. Plats of major subdivisions which do not include new roads may be considered for preliminary and final approval simultaneously by each Board. If a preliminary plat is reviewed and denied approval by the Planning Board during two meetings then the plat may continue the review process and be forwarded by the Planning Board to the Board of County Commissioners for their preliminary review. The preliminary action by the Board of County Commissioners shall be the governing action.

(16) Step ~~21~~ **22**. The final plat shall conform significantly to the preliminary plat and shall meet all requirements specified in these regulations. The information required on the final plat is described in Section 5.3. ~~A minimum of fifteen (15)~~ **The required number of** copies of this information shall be submitted to the Planning Board staff. If the plat is in order and public improvements are completed or assurance for completion of improvements is submitted, then appropriate certification stamps shall be applied to the plat. Major subdivisions which do not require new roads may be reviewed simultaneously for preliminary and final approval by the Planning Board and Board of County Commissioners. (#15Q) Subdivisions which request a variance but do not require new roads or public improvements may be reviewed by the Planning Board simultaneously for preliminary and final approval conditional upon the Board of County Commissioners preliminary approval.

(18) Step ~~27~~ **28**. After all certification stamps are signed, the developer shall submit ~~a minimum of fifteen (15)~~ **the required number** signed plats, along with one (1) reproducible plat to the Planning Board staff for their final review, (#17G) **a minimum of twenty-three (23) days prior to the date of the Planning Board meeting approval is requested.**

#### (#24) – con't

Page 32, Section 4.5 – Revise the submittal deadline from 16 days to 23 days prior to the Planning Board meeting.

#### Submission Dates:

The official submission date shall be considered the date of the Board meeting at which a plat is considered for approval. This is not the date upon which the plat is submitted to the Planning Board staff for review. The submission deadline is ~~sixteen (16)~~ **twenty-three (23)** days prior to the day on which approval is requested for subdivisions. ~~with new roads and fourteen (14) days prior if no new roads are required.~~ (#15I)

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

#### **Amendment to the Impact Fee Ordinance:**

Consideration of a request to hold a public hearing to receive public comments on an amendment to

## the Impact Fee Ordinance

A discussion was held with regard to setting a date on which to hold a public hearing in connection with charging impact fees to communities of the elderly which legally prohibit children from living in said communities since impact fees are to be used expressly for building new schools. Staff referenced a Florida Supreme Court Case exempting elderly communities which legally prohibit school age children from impact fees.

The Board discussed the time limits of private covenants and the applicability of said case to North Carolina. By consensus, a decision was made to table this matter until a later date.

## PUBLIC WORKS

**Asbury Phase 1 and 2 Water Main Extensions:** Consideration of a request to award a construction contract and to adopt project ordinance for the Asbury Phase 1 and 2 Water Main Extensions

Commissioner Pollard moved, seconded by Commissioner Outz, to award a construction contract to Mecklenburg Utilities in the amount of \$1,197,650.50 and to adopt the Project Ordinance for Asbury Phase 1 and 2 Water Main Extensions. The motion carried four (4) to zero (0). The contract and project ordinance are attached hereto and by reference made a part hereof.

**Ten Year Solid Waste Management Plan for Chatham County Update:** Consideration of a request to approve Ten Year Solid Waste Management Plan for Chatham County Update

Commissioner Pollard moved, seconded by Commissioner Outz, to approve the updated version of the Ten Year Solid Waste Management Plan for Chatham County, attached hereto and by reference made a part hereof. The motion carried four (4) to zero (0).

## BOARDS AND COMMITTEES

**Chatham County Planning Board Appointments:** Consideration of a request to appoint two members, one each by Commissioners Pollard and Outz, to the Chatham County Planning Board

Commissioner Outz moved to appoint Winifred Smith, 5009 Corinth Road, Moncure, NC, to the Chatham County Planning Board. Commissioner Pollard seconded the motion. The motion carried four (4) to zero (0).

Commissioner Pollard delayed her appointment until a later date.

## BOARD OF COMMISSIONERS' MATTERS

**Time Warner Cable Resolution:** Consideration of a request to approve **A Resolution Granting the Consent of Chatham County to the Transfer of Control of a Cable Television Franchise from Time Warner, Inc., to AOL Time Warner, Inc., and a Transfer of Control from Media One Group, Inc., to AT&T Corporation**

Commissioner Phillips moved, seconded by Commissioner Pollard, to approve **Resolution #2000-21 Granting the Consent of Chatham County to the Transfer of Control of a Cable Television Franchise from Time Warner, Inc., to AOL Time Warner, Inc., and a Transfer of Control from Media One Group, Inc., to AT&T Corporation**, attached hereto and by reference made a part hereof. The motion



carried four (4) to zero (0).

**Financial Plan for Health Insurance Internal Service Fund:** Consideration of a request to approve the proposed financial plan for the Chatham County Health Insurance Internal Service Fund

Commissioner Pollard moved, seconded by Commissioner Outz, to approve the Health Insurance Internal Service Fund Plan for the County's self-insurance program. The motion carried four (4) to zero (0).

**Reclassification of Information Systems Director Position to an Information Systems Assistant Position:** Consideration of a request to reclassify the Information Systems Director position to an Information Systems Assistant position

Commissioner Phillips moved, seconded by Commissioner Pollard, to reclassify the Information Systems Director position to an Information Systems Assistant position. The motion carried four (4) to zero (0).

## **MANAGER' S REPORTS**

The County Manager informed the Board of the following:

### **July Board of Commissioners' Meeting:**

The County Manager explained that the next Board of Commissioner's meeting will be held on Monday, July 10, 2000 at 7:00 PM in the District Courtroom.

### **NACo 2000 Annual Conference:**

The NACo 2000 Annual Conference will be held on July 14-18, 2000 in Charlotte, NC.

### **July Work Session:**

The next work session will be held prior to the Board of Commissioners' regular meeting at 4:00 PM on July 10, 2000. Topics of discussion will include building a water intake on Jordan Lake and/or the purchase of water from the Town of Cary.

## **COMMISSIONERS' REPORTS**

### **Deer Population:**

Commissioner Outz expressed concern with regard to the explosive deer population. He asked that the Wildlife Resources Commission be contacted to see if the doe season could be extended to thin out the population

### **Weeds/Grass in Front of Dunlap Building:**

Commissioner Outz said that he had been approached about the weeds and grass growing beside the steps in front of the Henry Dunlap Building. He asked that if shrubbery or flowers were not planted, if the area could be made an additional parking space.

### **Chatham County Project Graduation:**

Commissioner Phillips praised the efforts of the parents and volunteers involved in Chatham County's Project Graduation.

**Congratulatory Letter for Rev. Peter Bell:**

Commissioner Pollard asked that a congratulatory letter be sent on behalf of the Board of Commissioners to Reverend Peter Bell as he celebrates his birthday. She stated that a special service will be held at the Church of God in Pittsboro on July 9, 2000; and that a banquet in his honor will be held at Ron's Barn in Sanford, NC on July 15, 2000.

**Celebration for Pastor Carrie Bolton:**

Commissioner Phillips informed the Board of a celebration for Pastor Carrie Bolton on June 24, 2000 from 6:00 – 9:00 PM at the Chatham County Council on Aging stating that it is her eighth year as a remarkable leader in the community and as pastor of Alston Chapel Church.

**Chatham County Courthouse Clock Plaque:**

Commissioner Outz asked about the donor recognition plaque for the courthouse clock.

The County Attorney stated that the clock donor was to provide the recognition plaque for the courthouse clock.

**CLOSED SESSION**

- Commissioner Pollard moved, seconded by Commissioner Phillips, to go out of Regular Session and into Closed Session for the purpose of discussing property acquisition. The motion carried four (4) to zero (0).

**REGULAR SESSION**

Commissioner Outz moved, seconded by Commissioner Pollard, to go out of Closed Session and reconvene in Regular Session. The motion carried four (4) to zero (0).

**ADJOURNMENT**

- Commissioner Outz moved, that there being no further business to come before the Board, the meeting be adjourned. Commissioner Pollard seconded the motion. The motion carried four (4) to zero (0), and the meeting was adjourned at 8:55 PM.

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Rick Givens, Chairman

ATTEST:

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