

MINUTES
CHATHAM COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
NOVEMBER 20, 2000

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 November 20, 2000.

Present: Chairman 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, Paul Spruill; Finance Officer, Vicki McConnell; and Clerk to the Board, Sandra B. Lee

The meeting was called to order by the Chairman at 7:14 PM.

AGENDA

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

The County Manager asked that Item #13, Consideration of a request to approve the Chatham County/3M FY99 Economic Development Grant Project be moved to the Consent Agenda as Item #9 and that an appointment to the Ag Advisory Board be added to the Agenda as Item #14A.

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

CONSENT AGENDA

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

Commissioner Phillips asked that Item #5, Consideration of a request by Louise Barnum for subdivision sketch design approval for "**Shotts Farm**", consisting of 6 lots, on 31 acres, off SR#1532 [Manns Chapel Road], in Baldwin Township, be removed from the Consent Agenda and placed on the regular Agenda as Item #9A.

Commissioner Holland moved, seconded by Commissioner Pollard, to approve the Consent Agenda.

1. **Minutes:** Consideration of approval of Board Minutes for meeting held November 06, 2000

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

2. **Resolution for Addition of Road to NC System of Secondary Roads:** Consideration of a request for approval of **Resolution #2000-44 for the Addition of Street or Road to the North Carolina System of Secondary Roads – Russet Run Road off Hwy. #15-501**, attached hereto and by reference made a part hereof.

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

3. **Resolution to Release County's Share of Economic Development Monies from State Budget Office:** Consideration of a request of approval of **Resolution #2000-45 to Release County's Share of Economic Development Monies from State Budget Office**, attached hereto and by reference made a part hereof.

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

4. **Request for Sketch Design Approval of "North Chatham Park":** Consideration of a request by Center Suites, LLC for subdivision sketch design approval for **"North Chatham Park"**, consisting of 7 lots, on 22 acres, off US #15-501 North and SR #1724 [Old Lystra Road], in Williams Township

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

- 1) Prior to preliminary design submittal, the issue between applicant and NCDOT concerning the median cut and between the applicant and the adjoining property owner concerning joint use of the proposed state maintained road (North Chatham Parkway) is to be determined.

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

- ~~5. **Request for Sketch Design Approval of "Shotts Farm":** Consideration of a request by Louise Barnum for subdivision sketch design approval for **"Shotts Farm"**, consisting of 6 lots, on 31 acres, off SR #1532 [Manns Chapel Road], in Baldwin Township~~

This item was removed from the Consent Agenda and placed on the Regular Agenda as Item #9A.

6. **Request for Preliminary Approval of "Governors Forest":** Consideration of a request by Patrick E. Bradshaw on behalf of Landmark Homes, Inc. t/a Sunstar Homes, for subdivision preliminary approval for **"Governors Forest"**, consisting of 51 lots on 60 acres, off SR #1726 [Old Farrington Road], in Williams Township

As per the Planning Department and Planning Board recommendation, preliminary plat approval was granted with the following conditions:

- 1) All approved road names shall be shown on the final plat.
- 2) A 50 foot water hazard setback area shall be shown along the creek on lots 265,266, and a portion of the common area.
- 3) Metes and bounds on all utility and drainage easements shall be shown on the final plat.
- 4) A 40 foot building setback line shall be shown on the final plat along the common boundary line between the subject property and the United States of America Jordan Lake Project (State gamelands).
- 5) A 25 foot rear building setback line shall be shown on lots 250 –260 on the final plat. Other setbacks shall be determined by the design and restrictive covenants for the respective neighborhoods.

- 6) A twenty (20) foot additional right-of-way shall be shown on the final plat as reserved to be dedicated to NCDOT upon request at no cost to NCDOT.
- 7) The Appearance Commission shall review and approve the landscape plan for the common area along SR #1726 prior to final plat submittal.

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

7. **Request for Preliminary Approval of "Hamlet Grove Subdivision":** Consideration of a request by John W. Coffey for Musigny, Inc. for subdivision preliminary approval for **"Hamlet Grove Subdivision"**, consisting of 34 lots on 50 acres, off SR #1525 [Hamlet Chapel Road], in Baldwin Township

As per the Planning department and Planning Board recommendation, subdivision preliminary approval of the plat was granted as submitted and the proposed road names **Hamlet Grove Road** and **Harrison Court** were approved.

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

8. **Request for Final Approval of "Haley Meadows":** Consideration of a request by Brandon Poythress, Etux., for subdivision final approval for **"Haley Meadows"**, consisting of 9 lots on 82.9 acres, off SR #1971 [Johnson Road], in Haw River Township

As per the Planning Department and Planning Board recommendation, final approval of the plat was granted with the following conditions:

- 1) The plat not be recorded until the additional cul-de-sac construction has either been completed and approved by the Planning Department or a financial guarantee for the completion of the cul-de-sac has been submitted and approved by the County Attorney.
- 2) The plat not be recorded until a copy of the road maintenance agreement has been furnished to and approved by the Planning Department.

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

9. **Economic Development Grant Project:** Consideration of a request to approve the Chatham County/3M FY99 Economic Development Grant Project: (1) Residential AntiDisplacement and Relocation Assistance Plan; (2) Project Budget Ordinance; (3) Citizen Participation Plan; (4) Procurement Policy, attached hereto and by reference made a part hereof.

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

END OF CONSENT AGENDA

PUBLIC INPUT SESSION

Sam White, 45 Maverick Ranch Road, Pittsboro, NC, speaking on behalf of the Jimmy Collins Defense Fund; stated that there has been a grave error in Chatham County; and that the charges against Mr. Collins did not substantiate a termination. He submitted a letter to the Board asking for their review and approval and stated that nowhere in Mr. Collins' job description did it state he was responsible for supervising a probationary employee regarding the handling of County funds. He further stated that the

County should take steps to right this wrong and resolve this issue.

Terri White, 45 Maverick Ranch Road, Pittsboro, NC, stated that she and others felt stonewalled at the last Board meeting and questioned who was really in charge. She stated that there comes a time when someone must say that they have had enough; that this group will keep saying it until someone else says it was wrong as well; that the situation can be fixed; that the Collins family has kept the County going; and that Mr. Collins was an ethical, moral, upstanding County citizen that deserves better treatment.

Greg Soloman, 406 Buck Branch Road, Pittsboro, NC, thanked Ms. Holland for her number of years of service on the Board and asked the Board to consider moving their meeting date and time so as not to conflict with the meetings of the Board of Education. He further stated that although he would like to see as much funding as possible go to the schools, that there needs to be greater accountability from them.

RECOGNITION OF THE JORDAN MATTHEWS WOMEN'S TENNIS TEAM

Resolution Recognizing the Jordan Matthews High School Women's Tennis Team:
Consideration of a request to approve the **Resolution Recognizing the Jordan Matthews High School Women's Tennis Team for Winning the 1A State Championship**

Commissioner Holland moved, seconded by Commissioner Pollard, to approve the **Resolution #2000-46 Recognizing the Jordan Matthews High School Women's Tennis Team for Winning the 1A State Championship**. The motion carried five (5) to zero (0).

The Chair congratulated the team on their winning efforts and presented the coach with the framed resolution which was signed by each member of the Chatham County Board of Commissioners.

PLANNING AND ZONING

Request for Sketch Design Approval of "Shotts Farm": Consideration of a request by Louise Barnum for subdivision sketch design approval for **"Shotts Farm"**, consisting of 6 lots, on 31 acres, off SR #1532 [Manns Chapel Road], in Baldwin Township

Commissioner Phillips asked to be excused from voting on this issue due to a possible conflict of interest.

Commissioner Pollard moved, seconded by Commissioner Holland, to accept the Planning Department and Planning Board recommendation and grant sketch design approval of the plat as submitted.

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

SHERIFF'S DEPARTMENT

Public Hearing:

Local Law Enforcement Block Grants Program Public Hearing: Public hearing to receive public comments on the Local Law Enforcement Block Grant

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

PLANNING AND ZONING

Public Hearings:

Request for Revision to Existing Conditional Use Light Industrial District with a Conditional Use Permit for "Sandhills Grading and Pipe Corporation": Public hearing to receive public comments on a request by Bradshaw, Vernon, and Robinson, LLP, on behalf of **Sandhills Grading and Pipe Corporation** for a revision to the landscape plan of the existing Conditional Use Light Industrial District with a Conditional Use Permit, issued to Herbert and Elizabeth Parker, for contractor's storage yard, office and staging area for construction contractors including storage and service buildings and related facilities, on 12.55 acres, off SR #1008 [Farrington Road], in Williams Township

Nicolas P. Robinson, PO Box 607, Pittsboro, NC, representing Sandhills Pipe and Grading; stated that all improvements recommended originally have been put into place; that they have tried to modify the landscape to maximize the effects of improvements; that they are proposing to do a second tier of landscaping to help screen some of the buildings as well; that landowners were contacted and raised some valid concerns regarding dust from the temporary road; that the temporary road had been closed and the permanent drive paved to minimize dust; and that Sandhills will attempt to meet the Appearance Commission's request for additional buffering along the southern boundary.

Brenda C. Thompson, 1915 Lystra Road, Chapel Hill, NC, requested that the gravel area be paved in its entirety and stated that there are still problems with dust on her property. She stated that they would appreciate it if the company would consider putting more trees in the wooded area.

Bob Atwater, 2089 Farrington Point Road, Chapel Hill, NC, commended Sandhills Pipe and Grading for their superior landscape planning and stated that more buffering could be done on the southern border; that additional hearty vegetation would be appreciated in the natural area; and again offered thanks to Sandhills for being a good corporate citizen.

Ed Wheeler, 2509 Farrington Point Road, Chapel Hill, NC, stated that he lives 3/10 of a mile from Sandhills Pipe and Grading; that the paving would be good, but a return to the original landscaping plan approved in 1979 would be best.

Request for Heavy Industrial Conditional Use District with Conditional Use Permit by Wake Stone Corporation: Public hearing to receive public comments on a request by **Wake Stone Corporation** for a Heavy Industrial Conditional Use District with a Conditional Use Permit for mining, on 488 acres of Gaines property, off SR #1716 [Big Woods Road], in New Hope Township

John Bratton, owner of Wake Stone, stated that his was a small, family owned business from Wake County; that they had four quarries and 135 employees; that they work hard to address public concerns; that opportunities to grow in his business are difficult; that in order to expand, the following must be true: 1) the geology must be available; 2) the market must be available; 3) it must be near a major transportation corridor; and 4) a large tract must be available in order to allow buffering and proper zoning. He further stated that they want to be good neighbors in the community; and that they had identified six major areas of concern: 1) property values; 2) groundwater/water pollution; 3) blasting; 4) noise; 5) truck traffic; and 6) dust.

Dr. Henry Brown, groundwater specialist, stated that he had been dealing with stone quarries for over forty years; that he has worked throughout the Southeast working with companies applying for permits to mine; and that the permitting process is extensive and difficult. He further stated that the water used for rinsing stone is used in a closed process; that excess rainfall is routed through a natural process; that water is also used to control dust; that the potential for pollution is small; that Wake Stone is an environmentally conscious group; and that they have successfully operated two quarries in environmentally sensitive areas.

Jeffrey Straw, Geosonics Corporation, stated that his company has been retained to examine the potential vibration effects of the quarry on the surrounding area; that they compared the Moncure operation to the proposed operation; that there is a considerable amount of regulations that govern a mining permit; that blasting is not a daily occurrence; that there is no potential for damage to residences in the area; and that state regulations do not allow levels to be dangerous.

Tom Oxholm, vice-president of Wake Stone, stated that they knew that property values were a concern; that in the application, they attached factual information regarding home values on properties adjoining surrounding properties; that the information shows that property values increased dramatically in conjunction with the availability of water and sewer; and that Moncure values have also increased, but not as dramatically.

Bill McNeal, superintendent of the Wake County School System, spoke on behalf of Wake Stone stating that a community must support schools to help them meet their goals; that through Wake Stone, there is an organized business alliance in Wake County; that Wake Stone helps to support school improvement plans; and that Wake Stone employees are instrumental in providing tutoring and mentoring services to Wake County school students.

Linda Jacobs, 1240 Batchelor Road, Apex, NC, stated that she was half of the Remax Realty 2000 marketing group that represents Monterrane; that in polling the current and proposed population, they find that living next to a quarry is not what they had in mind; that perception is the problem; and that realtors must disclose its approval when speaking to potential residents. She further stated that in Wake Stone's application for a permit, it is stated that their use is not well suited for a residential area.

Clyde Keisler, 1245 Limbolton Lane, Cary, NC, stated that even in Wake Stone's application, they acknowledge that it is not conducive to residential development; that approval will make only a small dent in the tax base; and that high-end residential development will be better for the tax base.

John Becker, 156 Fox Glove Drive, Pittsboro, NC, stated that he represented the residents of Monterrane which is designated for residential development; that only a significant reason should be given to change the zoning; and that the increased truck traffic will have adverse affects on the community.

Joe Burke, 125 Mt. Gilead Church Road, Pittsboro, NC, stated that the federal government took 300 acres from his family when they built Jordan Lake and left them 19 acres that borders the proposed quarry; that although there are no houses on that land now, there may be in the future; that the land has been in his family for six generations; and that the Board should consider people like him and his family that have lived there for many years and contributed to Chatham County before making their decision.

Rudolph Howard, 105 Old Goldston Road, Pittsboro, NC, stated that the Seymour family wishes to go on record opposing this development; that future selling or development of this land may be difficult; that this is not a remote area; and that relaxing the regulations in a sensitive area around Jordan Lake is not a good idea.

Joan McLean, 205 Andre Road, Pittsboro, NC, stated that she was recently a part of a group discussion that included technical specialists that lived within six to eight miles of the proposed project; that all are alarmed and concerned about issues such as land clearing and runoff into streams; and that perhaps it would make more sense to make a decision after the permit has been applied for by Wake Stone.

Diana Haywood, 1541 Big Woods, Chapel Hill, NC, stated that she was the closest resident to the proposed project; that traffic will be much greater than first presented; that the impact to surrounding property

values will be negative; that this will set a precedent for other commercial uses in the area; and that it will be difficult for her to sell or develop her land in the future.

Rita Worrell, 721 Gallup Road, Chapel Hill, NC, stated that there will be many quality of life issues with this proposal; that it is not good science to say there will never be a problem; that the destruction of wildlife will be a real probability; and that native plants and animals are already under duress. She further stated that the area should remain as is, and that the Board needed to think about the potential affects of this proposed project.

Patrick Bradshaw, PO Box 607, Pittsboro, NC, representing Jordan Lake Preserve Corporation, stated that the corporation was opposed to the request; that the pit area is within 550 feet of existing residential, plotted area; that the elevation of the pit ensures that the pit will be visible; that the hotel cited was not a persuasive example; and that the request will be in contradiction with the land development plan.

Chad Leinbach, 1284 Windy Ridge Road, Chapel Hill, NC, geologist, stated that he had examined the area; that there are a hundred other areas in Chatham County that could be mined; that the life of a mine is about 60-80 years; and that there exists only one ridge along Jordan Lake and that this project would border it, thus destroying the buffer zone around the lake.

Owen Crankshaw, 215 Tanager Lane, Chapel Hill, NC, stated that he lives just north of the potential site; that the area is destined to become a large neighborhood; that it is absurd to place a mining site there; that proper implementation of a land use plan involves patience; that this project is inviting disaster; that the Board needs to act sensibly and proactively and reject this request.

Douglas Brown, 1525 Hatley Road, Pittsboro, NC, stated that as a resident of the Big Woods area, he will have a quarry on one side and processing pit on the other; that because of good planning on Chatham County's part, unique areas such as Big Woods have developed; that these areas accept certain restrictions; and that this is not an area for a commercial use of this type.

Brett Lawrence, 1085 Hatley Road, Pittsboro, NC, stated that he purchased property in this area in 1993 with the realistic expectation that there would be some change in the area; that he did not foresee this type of change; that the proposed project has no connection with the land development plan; and that currently, tractor-trailer noise is clearly audible from his house and no amount of buffering will help in a residential area.

Lee Gragg, 82 Jordan Hills Road, Chapel Hill, NC, stated that he is struggling with this issue; that many people bike and jog down Big Woods Road; and that this project will have a detrimental affect on the area.

Joe Bryan, 106 Maplewood Lane, Knightdale, NC, Mayor of Knightdale, stated that Knightdale is a small but rapidly growing community; that in his experience, Wake Stone is by far the best corporate citizen in Wake County; that Wake Stone has consistently met all requests by the town; that Knightdale Town Hall is 1,500 feet from the pit; that the Eastern Wake County Library is right next door to it; and that their corporate involvement in the community is extensive.

Garland Neville, 1550 Windy Ridge Road, Chapel Hill, NC, President of Big Woods Homeowners Association, stated that there was a concern among residents for environmental reasons and with regard to property devaluation. He asked the Board to please deny this request.

Don Bonin, 430 Sorrell Street, Cary, NC, stated that he had a tentative plan to buy a lot in

Monteranne; that he picked this area because he thought it was going to be preserved; and that the grinding of rocks releases radon and inherent radiation in the ground.

Phillip Corn, PO Box 1002, Cary, NC, stated that he has property on the southwest side of where the pit would be; that he hasn't had time to review this development; that even though the land is not now developed, it may be in the future; and that residents should be given an opportunity to examine the facts before a final decision is rendered.

Will Raymond, 1251 Hatley Road, Pittsboro, NC, stated that his property is located about 750 feet from line; that he plans to build on the land on Parker's Creek; that this project would devalue the quality of life; and that there are two historic gold mines in the area that may be compromised.

Gerald Featherstone, 117 Penna Lane, Pittsboro, NC, speaking on behalf of Haw River Assembly, stated that the Assembly will be providing more information to the Board; and that the Board must make decisions regarding zoning, but that it may set a dangerous precedent if it approves this request.

Mike Hubbard, 1625 Mt Pisgah Church Road, Apex, NC, stated that he was associated with Jordan Lake Land Sales and that he was representing landowners to the north of the proposed project. He stated that they have firm objections to this proposed zoning, and that there are other possible sites for mining in Chatham County.

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ECONOMIC DEVELOPMENT

~~**Economic Development Grant Project:** Consideration of a request to approve the Chatham County/3M FY99 Economic Development Grant Project: (1) Residential AntiDisplacement and Relocation Assistance Plan; (2) Project Budget Ordinance; (3) Citizen Participation Plan; (4) Procurement Policy~~

This item was moved to the Consent Agenda.

BOARDS AND COMMITTEES

Adult Care Home Committee: Consideration of a request to appoint a member to the Adult Care Home Committee by Commissioner Outz

This item was deferred until a later date.

Ag Advisory Board: Consideration of a request to appoint a member to the Ag Advisory Board

Commissioner Phillips appointed Cathy Jones, 1061 White Cross Road, Chapel Hill, NC, to the Ag Advisory Board.

MANAGER' S REPORTS

The County Manager reminded the Board of the upcoming Christmas parades as follows:

Siler City	Monday, November 27, 2000	7:00 PM
Goldston	Saturday, December 2, 2000	11:00 AM

Pittsboro
Bennett

Sunday, December 3, 2000
Saturday, December 9, 2000

3:00 PM
4:00 PM

COMMISSIONERS' REPORTS

Census Bureau:

Commissioner Pollard reminded the Board of the letter that is to be written to the County's congressmen and Census Bureau with regard to the recount for the immigrant population due to the tremendous disparity between the Census Bureau records and the actual population.

Soil Survey:

Commissioner Outz asked that the Manager or Assistant Manager check on the soil survey that was supposed to be completed in prior years.

Commissioner Phillips stated that he had been using the survey for approximately six months; that it is available and very good; that a "Final Acre Ceremony" is supposed to be done for it; and that all of the field work and mapping has been completed and the people have been reassigned.

Mid-Year Budget Requests:

Commissioner Outz stated that he thought an ordinance had been passed prohibiting all persons from requesting mid-year addendums to their budgets, and that he felt that the County could save some money by not honoring mid-year requests.

Letter Regarding Collins Support:

Commissioner Outz stated that he felt another look should be given to the letter from Sam White regarding Jimmy Collins and that further attention should be given to help resolve the matter.

Chairman Givens explained that the Chatham County Board of Health hires and fires the Health Director; that it falls under the jurisdiction of the Board of Health only; that the Board of Commissioners was informed of the Collins as a matter of courtesy; that the Board of Commissioners neither made the decision to fire nor promoted the firing of Mr. Collins; that it was the Board of Commissioners' desire to see Mr. Collins retire with dignity; that everyone has been advised to talk with Mr. Collins through his attorney.

Holland Appreciation:

Commissioner Phillips expressed his appreciation to Commissioner Holland for allowing him to work with her during the past two years.

Historical Society Request:

Commissioner Phillips stated that a letter had been received from the Chatham County Historical Society requesting that the Board take special care of the three Trageser houses recently purchased for courthouse renovations. He asked that a letter be written to the Historical Society expressing the Board's intent to do so.

By consensus, the Board agreed to write a letter to the Chatham County Historical Society stating their intent to take care of the houses and use them in an appropriate way and would love to have them as a partner

in helping to decide how to take care of them. A copy of the letter is attached hereto and by reference made a part hereof.

Holland Appreciation:

Chairman Givens stated that he had enjoyed working with Commissioner Holland in her capacity as Vice Chair of the Board, and that he appreciated the job she has done for the County.

SHERIFF RESIGNATION

- Sheriff Don Whitt read a letter to the Board stating that, on the advice of his doctor, he was resigning the Office of Sheriff of Chatham County, effective November 30, 2000.

Commissioner Phillips moved, seconded by Chairman Givens, that with deep regret and deep gratitude to accept the resignation of the Sheriff of Chatham County, effective November 30, 2000. The motion carried five (5) to zero (0). The letter is attached hereto and by reference made a part hereof.

ADJOURNMENT

- Commissioner Outz moved, that there being no further business to come before the Board, the meeting be adjourned. Commissioner Holland seconded the motion. The motion carried five (5) to zero (0), and the meeting was adjourned at 10:42 PM.

Gary Phillips, Chairman

ATTEST:

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