

**MINUTES**  
**CHATHAM COUNTY BOARD OF COMMISSIONERS**  
**REGULAR MEETING AND WORK SESSION**  
**FEBRUARY 07, 2000**

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The Board of Commissioners (“the Board”) of the County of Chatham, North Carolina, met in the Multi-Purpose Room at Central Carolina Community College, located in Pittsboro, North Carolina, at 9:00 AM on February 07, 2000.

Present: Chair Rick Givens; Vice Chair Uva Holland; Commissioners Margaret Pollard, Carl Outz, and Gary Phillips; County Manager, Charlie Horne; County Attorney, Robert L. Gunn; Assistant County Manager, Reneé Dickson; Finance Officer, Vicki McConnell; and Clerk to the Board, Sandra B. Lee

The meeting was called to order by the Chairman at 9:15 AM.

**AGENDA**

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

The County Manager asked that item #20 Economic Development Bylaws Change be deferred to a later date; that a public hearing on the closing of the CDBG Block Grant be added as item 14A; that the Human Relations Committee be discussed under Manager’s Reports; and that a Closed Session be added to discuss property acquisition.

Commissioner Phillips asked that Item #5 on the Consent Agenda, Sketch Design approval of Thompson Creek Subdivision, be moved to the Regular Agenda.

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

**CONSENT AGENDA**

Commissioner Phillips moved, seconded by Commissioner Pollard, to approve the Consent Agenda. The motion carried five (5) to zero (0).

1. **Minutes:** Consideration of approval of Board Minutes for meeting held January 3, 2000 and Board Retreat Minutes for December 15, 1999 and December 16, 1999 meetings

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. **Tax Releases:** Consideration of a request for approval of tax releases, attached hereto and by reference made a part hereof.

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

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

- A. **Auger Hole Road**
- B. **Ko Ko Mo Trail**

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

5. ~~**Sketch Design Approval of "Thompson Creek Subdivision":** Consideration of approval of a request by Chatham Development Corporation for Beulah F. Thompson Family Limited Partnership for sketch design approval of "Thompson Creek Subdivision", consisting of 18 lots on 70.5 acres off SR #1741 (Thompson Road) in New Hope Township~~

This item was removed from the Consent Agenda.

6. **Final Plat Approval of "The Settlement, Phase Two":** Consideration of approval of a request by Van R. Finch for Kim Henry, Builders Marketing Group, Inc. for final plat approval of "The Settlement, Phase Two" consisting of 28 lots on 34.825 acres off SR #1537 (Tobacco Road) in Baldwin Township

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

7. **Tax Lien Advertisement:** Consideration of a request for approval of tax lien advertisement

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

8. **Funds Acceptance to Support Grassroots Leadership Program:** Consideration of a request to accept funds in the amount of \$16,142 for FY 99-00 from the Mary Reynolds Babcock Foundation to support the development of a Grassroots Leadership Program

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

9. **Medicaid Rate Change:** Consideration of a notification of change in Medicaid rates effective January 1, 2000, a copy attached hereto and by reference made a part hereof.

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

10. **Resolution to Release County's Share of Economic Development Monies:** Consideration of a request for approval of **Resolution #2000-01 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).

11. **Resolution of Order Finding Time Warner Cable's 2000 Cable Service FCC 1240/1235 Rate Methodology as Reasonable and Ordering Rate True-Up for 2001:** Consideration of a request for approval of **Resolution #2000-02 of Order Finding Time Warner Cable's 2000 Cable Service FCC 1240/1235 Rate Methodology as Reasonable and Ordering a Rate True-Up for 2001**, attached hereto and by reference made a part hereof.

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

## **END OF CONSENT AGENDA**

### **PLANNING AND ZONING**

Sketch Design Approval of **"Thompson Creek Subdivision"**: Consideration of approval of a request by Chatham Development Corporation for Beulah F. Thompson Family Limited Partnership for sketch design approval of **"Thompson Creek Subdivision"**, consisting of 18 lots on 70.5 acres off SR #1741 (Thompson Road) in New Hope Township

Commissioner Pollard moved, seconded by Commissioner Outz, to approve the sketch design for "Thompson Creek Subdivision". The motion carried five (5) to zero (0).

### **PUBLIC INPUT SESSION**

**Ricky Spoon**, 2475 Redbud Lane, Pittsboro, NC stated that he was concerned about the backlog in the Environmental Health Division of the Chatham County Health Department; that the salaries for the employees is too low to retain needed employees; that perhaps fees should be raised to cover the cost of the increased salaries; that there have been positions open since last April; and that there is something inherently wrong if those positions stay open as long as they have.

### **PLANNING AND ZONING**

#### ***Public Hearings***

**Request for Revision to Existing Conditional Use Business District with a Conditional Use Permit by Andy Carlson:** Public hearing to receive public comments on a request by Andy Carlson for a revision to an existing Conditional Use Business District with a Conditional Use Permit for auto and truck accessory sales and installation and graphic detailing of vehicles and boats, to add to permitted uses open air sales and service of accessory buildings and gazebos and like free-standing structures, on two acres on the northeast corner of SR #1744 [Bob Horton Road], and US #64, in New Hope Township

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

**Cindy Perry**, P.O. Box 147, Pittsboro, NC stated that the requested changes to the ordinance to allow for the above named structures is merely a minor detail because it was impossible to include in the B-1 district all of the anticipated uses; that this is a clearly specialized use to be added to the property; that this property is almost directly across from Goldston's Building Supply on Hwy 64 East; and that she urged the

Board to approve this request to help improve this business area.

**Andy Carlson**, 2009 Queen Charlotte Pl., Raleigh, NC stated that his business is to sell portable storage buildings and that there are no similar businesses in that area that he noted; and that Mr. Seagroves would like to retire from the business.

**Request for Zoning Text Amendment:** Public hearing to receive public comments on a request by J. W. Seagroves for Andy Carlson for a zoning text amendment, specifically Section 10.5 [B-1 Business District] A. [Permitted Uses], page 32, to add to permitted uses in Subsection A. "Open air sales and service of accessory buildings and gazeboes and like free-standing structures"

No one was present that wished to make public comments.

### ***Zoning Board of Adjustment***

Commissioner Phillips moved, seconded by Commissioner Holland, to recess as the Board of Commissioners and convene as the Zoning Board of Adjustment. The motion carried five (5) to zero (0).

**Variance Request from the Chatham County Zoning Ordinance:** Public hearing to receive public comments on a request by Rex T. Deffenbaugh for a variance from the Chatham County Zoning Ordinance, Section 10.3 (C), Dimensional Requirements, specifically minimum required front yard, on property located on 3.095 acres, off SR #1012 [Pittsboro-Moncure Road], in Cape Fear Township

**Rex Deffenbaugh**, 361 Old US #1, Moncure, NC stated that he made a good faith effort to comply with all of the regulations regarding this addition; that he has over \$3,500 invested in this project thus far; that delays in this project have caused damage to the forms and they must be repaired before it can continue; and that he appreciated the Board's willingness to address this issue.

Commissioner Outz moved, seconded by Commissioner Holland, to approve the variance request by Rex T. Deffenbaugh from the Chatham County Zoning Ordinance on property located on 3.095 acres, off SR #1012 [Pittsboro-Moncure Road], in Cape Fear Township. The motion carried five (5) to zero (0).

Commissioner Holland moved, seconded by Commissioner Outz to adjourn as the Zoning Board of Adjustment and reconvene as the Board of Commissioners. The motion carried five (5) to zero(0).

## **COMMUNITY DEVELOPMENT BLOCK GRANT - ECONOMIC DEVELOPMENT GRANT APPLICATION**

### ***Public Hearing***

**Community Development Block Grant – Economic Development Grant Application:** Second public hearing to receive public comments on the possible submission of an application for a Community Development Block Grant for Economic Development administered by the North Carolina Department of Commerce.

The County Manager explained that the public hearing was set to receive public comments on the possible submission of an application for a Community Development Block Grant for Economic Development administered by the North Carolina Department of Commerce.

**Bill Lester, Jr., PE**, P.O. Box 1737, Southern Pines, NC with Hobbs, Upchurch & Associates, PA,

explained that the purpose of the public hearing was to gather citizen comments prior to the formulation of a grant application for Economic Development funds in the Community Development Block Grant Program. He stated that the program is funded through State and Federal HUD funds, and administered by the Department of Commerce; that application will be formulated over the next few weeks at which time a second public hearing will be required; that at that time, details of the grant request will be revealed for public comments prior to submission to the State for funding; that the funding program for Chatham County is a grant program up to 75% of the total project cost with the remaining 25% coming from a local match; that the Economic Development program is set up to provide for sewer to new or expanded industry; and that the industrial commitment is primarily a job investment.

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

### **CLOSING OF COMMUNITY DEVELOPMENT BLOCK GRANT SCATTERED SITE HOUSING**

**Closing of Community Development Block Grant Scattered Site Housing:** Public hearing to receive public comments on the closing out of funds used from the Community Development Block Grant for scattered site housing.

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

**Bill Lester, Jr., PE**, P.O. Box 1737, Southern Pines, NC with Hobbs, Upchurch & Associates, PA, explained that the purpose of this hearing was to receive public comments on the closing out of CDBG housing revitalization funds; that the project included the demolition and clearance of four (4) severely deteriorated housing units and provided the families with comparable replacement housing; and that Chatham County's committed funds were \$28,000 and all obligations have been fulfilled.

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

### **COMPLETE COUNT PRESENTATION**

**Complete Count Census 2000:** Presentation on the Complete Count Census 2000 by Gordon McKinney

**Bill Lail**, Chatham County Health Department, stated that 2000 was a census year, and that it is important to get a complete count of residents in Chatham County; that it will affect formulas for tax revenue, assistance in grant writing, assistance in planning new services in County government. He stated that they are asking for a resolution by the Board stating that Chatham County supports the complete count of the census and the development of a Complete Count Committee. He also stated that they would like to recognize the work that the Town of Siler City has done to formulate an effective strategy for obtaining a complete count.

**Gordon McKinney**, Partnership Specialist, Census Bureau, stated that his role with the Census Bureau is one of community relations to help inform people about the importance of the census; that he has three goals: 1) decrease the undercount; 2) increase the mail response rate; and 3) getting the message out that the census is confidential. He further stated that the support of local leaders such as the Board is needed to help get the message out and obtain a complete count of the residents of Chatham County.

**Resolution Supporting the Complete Count Census 2000:** Consideration of a request to approve  
**Resolution Supporting the Complete Count Census 2000**

Commissioner Pollard moved, seconded by Commissioner Phillips, to approve **Resolution**

**#2000-02A Supporting the Complete Count Census 2000**, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

## PLANNING AND ZONING

**Amendment to Chatham County Communication Towers Ordinance:** Consideration of a proposed amendment to various sections of the Chatham County Communication Towers Ordinance to provide for improvements resulting from the first year's experiences with the ordinance

Commissioner Outz moved to table this issue. The motion died for lack of a second.

Commissioner Pollard moved, seconded by Commissioner Phillips, to approve the following text amendments to the Chatham County Communication Towers Ordinance:

1. Article III, Section 3-1, Item 5, paragraph a)-add the following text to the end of the paragraph: *"All requests for new towers shall identify at least one telecommunication service provider that is prepared to immediately locate on the proposed tower."*
2. Article III, Section 3-1, Item 5, paragraph c)-add the following text to the end of the paragraph: *"Applications for specific sites within an approved search area shall include a letter containing a favorable opinion for the location, height and lighting, from the North Carolina State Historical Review Board, at the time the application is submitted to the Planning Board.."*
3. Article IV, Section 4-1, Item 7- after the first sentence, add the following text: *"The tower must be placed a minimum of 300 feet away from the right of way boundary within the 1500 foot corridor unless otherwise approved by the Board."*

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

## FINANCE DEPARTMENT

**1999 Audit Report:** Presentation of the 1999 audit report

**Vicki McConnell**, Finance Director, apologized for the tardiness of the report and stated that it contained good news; that fund balance was increased \$1.3 million in the General Fund; that fund balance is now 18.35% of expenditures; that the fire districts and Register of Deeds areas overdrew their budgets; that \$926,00 more was collected in taxes than originally budgeted, and \$1.5 million more than the previous year; and that sales tax revenue is continuing to grow. She also stated that 2.5 million less was spent in total expenditures than was budgeted; that there is an operating debt of \$30 million, and that most of that was school bonds. She further stated that our total collection percentage, including motor vehicles was 96.82%.

**Donarene Steele**, auditor with Dixon Odom PLLC, congratulated the County on receiving the highest award that is available for governmental financial reporting. She stated that the role of the auditor was to issue four (4) opinions: 1) the auditor's opinion on whether or not the financial statements are fairly presented in all material respects; 2) report on internal control over financial reporting; 3) report on internal control applicable to major Federal programs; and 4) report on internal control applicable to major State programs. She stated that all of these opinions were unqualified for Chatham County; that the one finding reported concerns the segregation of duties; and that the County is working on eliminating that for next year.

## TAX DEPARTMENT

- **Amended Business Personal Property Listing – Turner Hargrove:** Consideration of a request by Turner Hargrove to accept amended Business Personal Property Listings for tax years prior to 1999

After considerable discussion, Commissioner Outz moved, seconded by Commissioner Holland, to table this issue for further discussion. The motion carried five (5) to zero (0).

### ECONOMIC DEVELOPMENT

~~**Economic Development Bylaws Change:** Consideration of a request to approve changes in Economic Development current bylaws~~

This item was removed from the Agenda.

### PUBLIC WORKS

**“Buy Recycled Grant” Application:** Consideration of a request for approval of Chatham County Waste Management application for “Buy Recycled” Grant available from NC Division of Pollution Prevention and Environmental Assistance (DPPEA)

Commissioner Pollard moved, seconded by Commissioner Holland to authorize Chatham County Waste Management to apply for the \$5,000 “Buy Recycled” Grant. The motion carried five (5) to zero (0).

**North Chatham Fire Department Request for Property Line Setback:** Consideration of a request to approve **Resolution in Support of the Property Line Setback Reduction** from 150 feet to 50 feet for the proposed North Chatham Fire Department site

Commissioner Phillips moved, seconded by Commissioner Pollard, to approve **Resolution #00-03 in Support of the Property Line Setback Reduction**, attached hereto and by reference made a part thereof. The motion carried five (5) to zero (0).

### SHERIFF’S OFFICE

**Lease Contract for Communications Tower:** Consideration of a request for approval of lease contract for communications tower with Harold and Faye Hart

Commissioner Outz moved, seconded by Commissioner Phillips, to approve the lease contract with Harold Hart and wife, Faye S. Hart for Communications Tower, attached hereto and by reference made a part hereof. The motion carried five (5) to zero (0).

### BOARDS AND COMMITTEES

**Town of Siler City Alternate ETJ Appointment:** Consideration for approval of appointment to serve as an alternate ETJ member of the Town of Siler City Planning Board/Board of Adjustment

Commissioner Outz moved, seconded by Commissioner Holland, to appoint Donald L. Tarkenton, 341 Pine Lake Drive, Siler City, NC, to serve as an alternate ETJ member of the Town of Siler City’s Planning Board/Board of Adjustment. The motion carried five (5) to zero (0).

**Housing Authority Board Appointment:** Consideration of a request to appoint a member to the

## Chatham County Housing Authority Board

Commissioner Phillips moved, seconded by Commissioner Pollard to appoint Consuelo Barr, 921A Cottage Grove Avenue, Siler City, NC, to serve on the Housing Authority Board to replace the expired commission of Loretta Bean-Dunn. The motion carried five (5) to zero (0).

### BOARD OF COMMISSIONERS' MATTERS

**Criminal Justice Program Coordinator:** Consideration of a request to contract with Orange County for a Criminal Justice Program Coordinator

Commissioner Holland moved, seconded by Commissioner Pollard, to approve the contract with Orange County to hire a Criminal Justice Program Coordinator and to appropriate \$2,150 from contingency for the County's share of this position from March to June, 2000. The motion carried five (5) to zero (0).

**Allocation of CBA Funds:** Consideration of a request to allocate left-over CBA funds

Commissioner Pollard moved, seconded by Commissioner Holland, to approve the Orange-Chatham Justice Partnership executive Committee's recommendation for funding, with the stipulation that local matches for JOCCA and Dispute Settlement will be funded from current County allocations or other sources and other required local matches will be funded from other sources. The motion carried five (5) to zero (0).

~~**Property Acquisition:** Consideration of a request for approval for County to accept gift of Pick property~~

This item was deferred to Closed Session.

**Resolution Fixing Boundaries of Staley and Silk Hope Fire Districts:** Consideration of a request for approval of a **Resolution Fixing Boundaries of Staley and Silk Hope Fire Districts**

Commissioner Phillips moved, seconded by Commissioner Outz, to approve **Resolution #00-04 Fixing Boundaries of Staley and Silk Hope Fire Districts**, attached hereto and by reference made a part thereof. The motion carried five (5) to zero (0).

**Decision on Application for Exemption from Impact Fees – Jean Hudson:** Consideration of a request for approval of **Decision on Application for Exemption from Impact Fees – Jean Hudson**

Commissioner Pollard moved, seconded by Commissioner Phillips, to approve the **Decision on Application for Exemption from Impact Fees – Jean Hudson**, attached hereto and by reference made a part thereof. The motion carried five (5) to zero (0).

**Decision on Application for Exemption from Impact Fees – Joe Burnette:** Consideration of a request for approval of **Decision on Application for Exemption from Impact Fees – Joe Burnett**

Commissioner Pollard moved, seconded by Commissioner Phillips, to approve the **Decision on Application for Exemption from Impact Fees – Joe Burnette**, attached hereto and by reference made a part thereof. The motion carried five (5) to zero (0).

### MANAGER' S REPORTS



The County Manager reported on the following:

**Human Relations Commission:** Organization and implementation of the Chatham County Human Relations Commission.

Commissioner Pollard moved, seconded by Commissioner Holland, to formalize the creation and structure of the Chatham County Human Relations Commission. The motion carried five (5) to zero (0).

### **CLOSED SESSION**

Commissioner Givens moved, seconded by Commissioner Outz, to go into Closed Session for the purpose of discussing property acquisition. The motion carried five (5) to zero (0).

### **REGULAR SESSION**

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Commissioner Pollard moved, seconded by Commissioner Phillips, to go out of Closed Session and reconvene in Regular Session. The motion carried five (5) to zero (0).

The County Manager asked the Board to confirm February 16, 2000 for a meeting between the Board and the Chatham County Legislative Delegation. Time and location to be confirmed within the next week.

### **LUNCH RECESS**

Commissioner Outz moved, seconded by Commissioner Holland, to recess for lunch until 2:00pm. The motion carried five (5) to zero (0).

### **WORK SESSION**

Commissioner Pollard moved, seconded by Commissioner Holland, to reconvene for the afternoon work session. The motion carried five (5) to zero (0).

#### ***Water:***

**Elliot Cramer**, P.O. Box 428, Chapel Hill, NC, stated that he would like to specifically address the statistics regarding the claim by Hobbs, Upchurch & Associates, PA, that asserts that Chatham County needs to “pursue development of a new intake to gain access to the 6 million gallons daily (MGD) allocation”, and that a purchase agreement with Durham is not a long term solution. He stated that to the contrary, Chatham County’s low sales and low growth rate suggest that utilization of the six million gallons daily allocation is absurd and that Durham provides the best long term solution for any possible water shortages; that indeed Chatham County will have to reduce its purchases from Pittsboro because of its required purchases from Durham; that Chatham County’s water sales are about 3% of Durham’s while its growth rate is less than 5% of Durham’s; and that talk of Chatham County leading Durham in a regional initiative is like a flea leading an elephant.

In addition, he stated that he questioned the growth model provide by Mr. Hobbs related to water usage in the near future; that the claim that the actual growth of the County water system may prove to be

somewhere along the spectrum between the moderate and aggressive scenario is questionable; that Mr. Hobbs intended to alarm the Board with his extravagant projections; that in the future Chatham County should carefully evaluate the real costs of operating its own water plant and pursue expanded purchases from Durham.

**Fred Hobbs**, with Hobbs, Upchurch & Associates, PA, stated that he felt Mr. Cramer participated in a meeting that was not part of the Chatham County Water Master Plan; that the September 2, 1999 meeting was a response to the County's inability to obtain additional water from the Town of Cary and the State's inability to force Cary to provide more water; that talks had been ongoing with the State regarding a regional water intake; that the meeting on the 2<sup>nd</sup> was merely to advise elected and appointed boards of the situation. He further stated that he took exception to some of the claims of erroneous statistics formulated by his firm; that the Board has not expressed alarm at those statistics in the past; that the Division of Water Quality made the determination that Chatham County had a 6mgd allocation; and that one of the actions recommended was for the County to immediately look at the possibility of an intake. He also stated that City of Durham has clearly stated that the current agreement cannot be a long term solution to this problem.

### ***Environmental Health:***

**Wayne Sherman**, Health Director, stated that this is a market; that in the region, Environmental Health (EH) salaries have risen, making it difficult to recruit and retain qualified individuals; that once we train individuals, they are moving to higher paying jobs in surrounding counties; that they have 2.5 positions vacant, with one employee out on maternity leave; and that this is a critical juncture for the division. He further stated that they would like to offer individuals a competitive salary that would attract registered sanitarians, and retain current personnel; and that surrounding counties are offering above the standard hiring rate. He asked that the Board consider offering a competitive salary in order to recruit and retain qualified personnel; that the spring is a very busy time for this division, and that these positions need to be filled. He further asked the Board to consider hiring at a step 3 of the fully qualified grade, and adjust the current employee's salaries accordingly; that this increase could be funded through lapsed salaries this year, and adjustments would be made for next year's budget.

**Carolyn Chandre**, Human Resources Manager, stated that there were several aspects of the information provided by the Environmental Health Division that required clarification. The memorandum is attached hereto and by reference made a part hereof.

### ***Even Start:***

**Bill Lail**, Family Resource Center Director, explained that Even Start is a federally funded program designed to break the cycle of poverty and illiteracy by improving the educational opportunities of low-income families through the integration of early childhood education, adult literacy, and parenting education into a unified family literacy program; that Even Start will be a countywide initiative targeted for all residents who need it; that family literacy is of paramount importance to western Chatham County at this time because of the large numbers of first generation immigrants residing in the community with their children; and that Even Start gives the Chatham County community the chance to unify and concentrate the resources of all the diverse programs that work with children and adult literacy.

Commissioner Pollard moved, seconded by Commissioner Holland, in support of bringing resources to family literacy in Chatham County and encouraging other elected boards, governmental departments, and non-profit agencies to work with Even Start. The motion carried five (5) to zero (0).

## **ADJOURNMENT**

Commissioner Holland moved, that there being no further business to come before the Board, the meeting be adjourned. Commissioner Phillips seconded the motion. The motion carried five (5) to zero (0), and the meeting was adjourned at 4:41 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